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## POLITICAL PROSCRIPTION.

NOTWITHSTANDING all that is averred by those who express an extreme veneration for antiquity, we are constrained by many evidences to believe that society has made advances—very great advances, if not in the practice, yet in the theory of morals and civilization during many ages past, from the dawn of Christianity even to the present moment. What system of government, for example, was ever known more perfect in its theory than our own? What system of morals more complete than that of a Christian, republican philosopher of the present day, believing as he does that the “innate freedom of the human breast” is the first argument for political *liberty*,\* as it is equally the first argument for religious *dependence*?

Toward a perfect practice, the first requisite is a perfect theory; without a divinely perfect theory of morals, there can be no perfect practice of morals; without a perfect theory of laws and constitutions, governments are necessarily imperfect in their practice; and we do firmly believe that if the minds of the majority were thoroughly imbued with those principles which gave origin to our system of government, the errors of our policy and practice would be comparatively few and trifling. The duty of the conservative politician is therefore evident.

\* “An innate spirit of freedom first told me that the measures which the administration have for some time been, and now are most violently pursuing, are opposed to every principle of natural justice.”—*Letters of Washington, Sparks, vol. 2, p. 397.*

Having established in his mind the perfect theory of the government, as it stands in the written laws and their great commentaries—in the Constitution, and the writings of those who founded it—he is to put that theory in practice to the extent of his power, not only in the simple acts of authority, where the path of duty is plain, but in that freer and more responsible field of party conduct; wherein, far more than in the exercise of a legitimate authority, the knowledge, the power, and the virtue of the statesman make themselves conspicuous. To be a man of principle, and at the same time an active politician, is so rare a union of qualities, that the ambition of attaining it is perhaps the most generous ambition that can call any man into public life.

It is, therefore, not without a sentiment of the deepest regret that we hear many of our friends appealing to the worse passions of the party, and of those that have come newly into power, to urge them into a line of conduct that must inevitably weaken their hold upon the affections of the people, and debase them in the estimation of the best men; urging upon them, and promising for them, a proscriptive and partisan employment of their new authority. The authority of a great master in politics is quoted for their instruction; the example of the Jackson administration is held up to them as a model, for its good success; and the appeal to their gratitude is urged with an air of threatening, as if to say, “Do as we desire, or you will suffer by your friends.”

It must not be forgotten, say they, "that during the late administration, those who were not of a particular sect of politics were excluded from all office; that nearly all the offices of the United States were monopolized by this sect." "Is it, then," they continue, "to be imagined that when the public sentiment at length declares itself, and bursts open the doors of power and confidence to those whose opinion they more approve; is it to be imagined that this monopoly of office is still to be continued in the hands of the majority?" "Does it violate their *equal rights* to assert some *rights* in the majority also?"

What, then, is this new doctrine? Is it true that the offices of this government are subject to the claims of individual citizens? Is it to be believed that what is here implied—that there is in this and that citizen a *right* to this or that office—is a true doctrine? Who gave them this right? In what part of law or equity do we find this right—right to office? "Ours is an agency government," says a most liberal and learned authority, "and of the kind denominated 'free;' but if the office-holder is the *agent* of those who elect or appoint him, does his right begin with his appointment or election, or does it lie in him while he is a private citizen? In governments of the kind denominated 'free,' the right to office surely lies in those only who are *in* office—not in those who are out of office. And that *right* is given by the laws, and not by any natural claim in the person chosen or elected. It is necessary to dismiss this new opinion of a right to office in any person not chosen by the people or appointed under the law, into the general chaos of demagogical opinion, as unworthy of any serious discussion.

"Is it political intolerance," they continue, "to claim a proportionate share in the direction of public affairs?"

A valid inquiry! Is any person so simple as to imagine that the Whig party, since they are well in power, intend to give their adversaries, *as such*, "a proportionate share" in the administration of "public affairs?" That were indeed to commit a folly. They do *not*, we think, intend in that way, at least, to become contemptible. Such power as they have, they no doubt mean to use to its full extent, to carry out

the doctrine of the majorities who put them in.

But that is not all that is implied by the question of our friends which we have just quoted, as they quote it. When "*shares*" are talked of, *rights* are supposed. In whom, then, lie these rights? In whom does the "*right*" lie of conducting the affairs of this nation, if not in those men who have been elected by the people? And are they thinking of *sharing*? What a simplicity of understanding do our friends attribute to those whom they have assisted to elect, when they quote such ill-digested sentences for their instruction!

"Shares" and "rights!" *Shares* in the administration of the empire; *shares* in the fishmongers' company; shares in this and that. But, indeed, our dear fellow-citizens know more than they seem to know. They know that there is a difference, a profound difference, between *property* and *power*; that power is a sacred trust, for which men are responsible to God and the nation; and that they can no more think of sharing it with the minority than of putting it to sale.

The election, by a majority of the people, of particular *men* to fill the great offices of government, is in order to an exact execution of the *measures* of that majority; and the men thus elected and for that purpose, under the Constitution, are responsible, by the spirit of the Constitution which has put them in power for that purpose, for the full execution of those measures. They cannot, in honor, pursue any others. They therefore have no "*right*," (in honor,) indeed, to endanger the failure of that intent by "*sharing*" their power, or by conferring the least particle of it upon such persons as may endanger its fulfillment. We repeat it with a perfect confidence, that as the whole system of the government looks towards a rule of majorities, everything must be done by those elected to fulfill the wishes of the *legally ascertained* majority who elected them. That majority exists, and is in full force until it is annihilated by a succeeding election. As it is evident, that the fundamental law permits the opinion of the *legally ascertained* majority to rule, it provides also, by consequence, that those elected shall be free to carry out that opinion. Majorities are ascertained *by law*

once in four years; they exist, in full force, in the interim, by a necessary supposition.

There is indeed no remedy for the betrayal of the people, except by the ejection from office of those who dishonor their own election, at the end of their term. If governments were like calculating machines, it might be differently arranged; but they are moral machines, or rather, they are *moral responsibilities*, and moral responsibilities are liable to moral contingencies. Governments, being *moral powers*, cannot be adjusted to a calculation of variable moralities.

But is the jealousy of the majority to extend itself over every petty office in the commonwealth, without any regard to the political importance of the occupant, or the power and responsibility of his place? We trust not. Let us consider it.

There is a certain clerk in the custom-house of a certain seaport, which shall be nameless, who maintains a worthy family out of a salary of a thousand dollars; from which he is obliged also to deduct an election tax levied upon him by the club of which he is a member. This clerk is a very honest man, but quite ignorant, though we grieve to say it, of the science of political economy. His notions of free trade, and the utility of *ad valorem*, are of the crudest, and those of his friends who respect his understanding, are shy of testing him on the tariff. Though his demeanor is altogether grave and quiet, he was never suspected of an intrigue, nor would his bitterest enemy go so far as to charge him with a design of altering the Constitution.

The person aimed at in the above paragraph, will be instantly identified by the knowing reader, when we give his initials. J. S., as his neighbor J. B. is ready to make oath, is a notorious democrat, and has voted the party ticket these eight years. His father, he avers, did vote so before him, and for aught he knows, his ancestors too, as far back as the days of Charles I., whose head, he says, was cut off by a democrat, but whether in the tenth or the eleventh century he seems generally to be in doubt. Mr. Smith, (for it is idle, after so glaring a description of the man, to make a secret of his name,) is just at this moment in danger of proscription. His neighbor, Mr. John Brown, has lodged a

political information against him in the Treasury office at Washington, and he is at this moment sitting by his poor little grate, looking into the fire with the air of a man who expects every moment to receive sentence of death. His wife is weeping beside him, and his children gather about him, and cling to his knees with an affectionate, inquisitive sorrow.

Poor Smith deserted a very good business to become an office-holder. He came in with his party, and now, after four years of regular and ill-paid industry, during which he has formed no new connections, and has lost his hold upon his old ones, he is about to be turned out upon the world a beggar and a vagabond. Mr. John Brown, who now comes in with *his* party, steps into his place, leaving a better business than his predecessor, to be in *his* turn spoiled and ruined, and at length turned out upon the world to die of hard work and misery.

As the calamity of Messrs. Smith and Brown is the calamity of thousands, it were perhaps injudicious to expend much sympathy upon them as individuals. Let their wives and children, their mothers and sisters bewail their unhappy fate or folly; for ourselves, it seems more appropriate to inquire into the merits of the system itself, the system of political proscription which inflicts all this mischief, and, if possible, to ascertain by what good, if by any good, it is compensated. It seems to be the duty of those citizens whose political successes have given efficacy to their opinions, to weigh very carefully the merits of this system, which the Mr. John Browns are so assiduously urging upon them, and to consider whether, taken in the whole, and viewed in its origin and consequences, it is not at once a vicious and an injurious system, injurious not only to the people at large, but to the party that relies upon it. First, however, it seems proper, in deference to some great names, and to the practice of many wise politicians, to set forth in fair colors the good aims and honest purposes of the system, if it can be thought to have any, and to offer all the excuses and defenses that reason and imagination can bring together, lest we lay ourselves open to the charge of ignorance, or of using partisan logic, when our design is purely to effect a good; and though we

confess that we are actuated by the strongest party enthusiasm, we wish to have it so tempered with reason, that it shall appear that our enthusiasm is itself created by a conviction of reason, and not by any factious heat or prejudice.

The apologist of the system relies for its defense upon *three* arguments; the first of which, being the doctrine of rotation, is purely theoretic; the second, drawn from political expediency, is founded on an imperfect experience; and the third, from convenience, for the filling of offices with younger and more assiduous functionaries, an over-refinement upon policy; and it has a face too specious and proper not to move a doubt. Let us consider each of these, and if they carry any force with them, let us allow them to affect us without prejudice; until it be shown that the injury inflicted by the system in practice, bears down all argument, and defies all theory, expediency and policy, to defend it.

We shall assume it to be a rule established and certain, that offices of political responsibility, or that carry with them a weight of political opinion, for the impeding or accomplishing the measures of the party in power, should be filled by men of that party. For the same reason that the majority of a State legislature will send only such a senator as will truly represent their opinion, it is necessary for a President to choose such persons to be members of his cabinet as will represent the opinion of the party. It were clearly an absurdity to do otherwise; it would be a defeating of the design of the Constitution, which intends that the majority of opinion shall have its way. That offices of responsibility, or, in other words, such offices as enable their incumbents to operate *ex-officio* upon the opinion of the people, or to thwart or execute the laws, according to their pleasure or displeasure—that such offices should be filled by the appointment of members of the ruling party is, we think, most necessary; for if it is provided by the Constitution that the majority should shape the conduct of the government, it is also provided, by necessity, that those only should be appointed to execute them, by whom we are most sure they will be freely and willingly executed. From this point of view it appears just, and even constitutional, that the entrance of a new

party into power should be followed by an ejection of all from office who were the originators, supporters and executors, in a moral sense, of the measures of the displaced party. The important offices in the gift of the people have been changed by the people, and their old incumbents ejected; and it is equally necessary that all important offices which carry with them a representative influence, bearing upon opinion, and the character of whose incumbents confirms or impairs, by official influence, the prevailing party, should be also ejected. Independently, therefore, of all theories of a rotation in office; independently of that political expediency which stimulates the canvasser with the hopes of office; independently, also, of all arguments that look to the effect of office-holding upon the characters of men, we hold it to be a necessity created by the nature of our government, that the change of rulers accomplished by the votes of the citizens should be followed by a change in the character of the government itself, sufficiently, but not more than sufficiently extended, for the complete establishment of the party, and the accomplishment of all its measures, during the four years of its probation. What these offices may be, can be known only by experience. It might not seem, at first view, to be a matter of the least importance, whether the cabinet should be of one mind on the leading questions of policy; and yet experience has shown that their unanimity on all important measures is necessary for the efficient conduct of the government.

In a word, every office of political importance, or that confers a power to impede or favor the execution of the laws, or that has any executive responsibility to be exercised for or against the measures of the majority, must necessarily be filled by members of the prevailing party. The filling of the elective offices with that party by the people, gives them a liberty of carrying out the popular will by filling appointments with the same. The purpose of the popular election was to give the supporters of a certain system of policy and economy, a fair opportunity of trying it. The majority judged that it should be tried. But if the opinion of the majority prevails at all, it should prevail entire, else it is of no force. Half measures, or



impeded measures—impeded by the personal opposition of members of the government, would not answer the end; when a party is in power, it must instate itself to the full, and rely upon the full efficacy of its policy to secure the favor of the nation, and not upon any *compromises*, or bribes to influential persons, who, in the end, would certainly thwart and traverse the measures of a government which they despise.

But while we advocate the filling of every office that carries a weight of political influence with it, by members of the prevailing party, in order that the policy and economy of the party may be fairly and fully tried, without thwart or hindrance, we do this upon grounds of common sense and common justice, and in fulfillment of the spirit of the constitution; making no concessions to those who advocate a system of rotation in office.

It is implied by the doctrine of rotation, that the office is created for the convenience and benefit of its incumbent, and not for that of the citizens at large. And because it were improper to favor one man more than another, therefore each man must at some time in his life enjoy an office.

Let us suppose for a moment that offices are in fact created for the benefit of those who hold them, in the nature of pensions and annuities. Unless they are equally distributed among all, they are converted into the most odious of all monopolies. The party who have just now lost their power, were divided into two factions, one monopolizing, the other demanding office. The latter faction is created by the opinion that there ought to be a rotation in office, and that those who have not "enjoyed" office should in their turn "enjoy" it. The opinion and the desire seem at first sight so very just and natural, and are held by some of our modern democrats in such a simple spirit, that they even declare their willingness to give the Whigs *their turn*; it being due to them that they take their turns with the rest. These simple-minded persons look upon offices as they do upon pensions and annuities, as benefits created for those who hold them, and they very justly conclude that those benefits should be enjoyed in rotation; but when it is perceived

that offices are *not* established for the benefit of their incumbents, the idea of a right to office, or a turn in office, vanishes quite away. It is then only necessary to inquire by what system of appointments the performance of official duties will be best secured; the offices being established for the public benefit, and not for the convenience of office-loving citizens.

We might, therefore, dismiss the argument from this doctrine of rotation at this point, and give ourselves no further trouble about it; but as the opportunity is too good to be passed by, we cannot refrain from mentioning a few of the absurd consequences that flow from it in practice. For, first it would happen, that if any system of rotation were established, the necessity of elections and appointments would be done away with, and each citizen would come to office in his turn, whether qualified or not. But as the number of offices is small, and that of citizens great, a vast number would lose their turns of appointments, the life of one man being an insufficient time for a complete rotation of all the citizens through every office in the commonwealth. And if, in consideration of this difficulty, it happens that a certain class or body of citizens are selected and set aside by law to hold office in rotation for their lives, they are thus constituted a *class* of office.

If, on the other hand, some of the citizens coming to their turns should pass them over, caring only for such offices as were very lucrative, it would be necessary to exclude them entirely; for, being on an equality with the others, they have no right to be picking and choosing.

The system of election is directly opposed in spirit to the system of rotation; for while election leaves it free to the electors to choose whom they think fit, and the party in power to appoint whom they think will best accomplish the designs of their constituents; rotation, on the other hand, takes away all power from the electors, and indeed from every one else, and leaves no remedy for malversation. And should a rotated official misbehave, it is a matter of no consequence; no impeachment can be brought against him, since the office was made for him, and not for the people, who have therefore no right to complain. Such are the

absurdities of rotation. It reduces government to a machine for extortion and monopoly, and defeats the true end of election, which is established in order that the interests of the people may be taken care of by those who are most likely to attend to them; namely, by those men who have acquired experience in public affairs, and have shown that they can hold office with credit and benefit to the commonwealth. Nothing, in a word, can be more opposite in idea than the having an equal right to office and an equal right to vote. While the people have a right to choose such an officer as they like, no man has any right to any office not conferred by their votes; nor can any principle of rotation be established without striking down at once the right of free election, the strongest safeguard of the popular liberties.

So much, then, for the argument from rotation; it seems unnecessary to add the inference, that no man ought to be ejected from office merely because he has held it for a long time. While an officer does his duty, he is a good officer; if he never, in any instance, impedes the accomplishment of the policy of the prevailing party, either because he does not care to do so, or because his station does not give him an opportunity of doing so, it is impolitic, perhaps unjust, to eject him, for anything that can be gathered from the argument of the rotationists.

The argument from party expediency, for the general ejection of all office-holders, is probably of much greater force in the minds of most men. By this argument, every office-holder is looked upon as a canvasser, and the expectants of office, who canvass before the general election, are supposed to have a superior claim to office in regard of the service they have rendered to the party. We are told that it would be dangerous to deny the validity of such claims, because of the necessity of securing an efficient body of canvassers to excite the people previous to an election. It is certain that a great number of canvassers, perhaps a fair majority of them, are stimulated by the hopes of office; it is even said that an election can be managed in no other way than by an organization stimulated and enlivened by the hopes of office; that as the office-holders of the

ruling party constitute of themselves a powerful and effective organization, contributing time, and money, and influence to the support of their own party, it can be met only by a similar organization, stimulated by the hopes, as the other is stimulated by the desire of retaining office. By such an organization, interest is opposed by equal interest, and the enemy are met with their own weapons.

Under the system in use with the old administration, a system which took its rise in the Jacobin clubs, and reached its perfection under the administration of Mr. Van Buren, every office-holder, and, in short, every expectant of favor from the government, was subject to a tax for election purposes. Office-holders contributed freely from their means, and will always contribute in proportion to their incomes, in order to secure themselves in office. If there were not, then, organization of this character, it is supposed by many, that the very considerable expenses of elections would not be met, and that if one party employs the system, the other must of necessity do the same; that as it is very certain that the party now out of power would, if they returned to power, eject every man from office who did not hold with them, it is but fair that they should themselves be ejected from their offices.

That these arguments will have the greatest weight with those persons who are most deeply engaged with party politics, that they will operate with a peculiar force upon the minds of all those who are expecting office under the new administration, may be well believed; nor will it seem possible, at first, to meet them, without venturing much farther into the region of theoretic and ethical politics than is prudent at the present juncture. If it can be proved beyond a doubt that no party can maintain itself in power for any length of time, except by the system of political proscription carried into every department of the government, it would indeed be idle to contend against it; but the necessity of such a system has not yet been demonstrated; it is by no means an unquestionable fact that those who are now in power owe their election to the exertions of those who expect office under them.

Among the influences which are most operative in effecting a change of popular opinion, we find three prominent :

*First.* The desire of the great interests of the country, of agriculture, of commerce, of mines and manufactures, and of the learned professions, to secure for themselves a government that will protect and sustain them. These interests expend money, time, and influence upon elections. Elections in England, to a great extent, are controlled by these interests. In our own country they are the great, if not the greatest, of those powers which are brought immediately to bear upon opinion, on the eve of an election.

*Second.* The interest of office, and of all those who depend upon the existing administration for their support. Previous to the establishment of universal suffrage in France, the number of office-holders and of pensionaries very nearly equalled, it is said, the entire number of national electors in the kingdom. To be an elector was to be an office-holder ; and the power of the government rested, through its entire extent, upon its patronage. It maintained itself by conferring office, and could not, but by bribery in this kind, have existed for a day. It bribed itself in. This system, pursued by Louis Philippe and his ministers, is perhaps the most complete example that has ever been, or ever will be, of this *second* means by which parties are maintained in power ; that it is the least reliable of all, even in its full efficacy, will not be denied by any person acquainted with the history of French politics during the reign of Louis Philippe.

*Third.* The influence of popular ideas—of schemes for the reformation of society, and of progress and revolution, in all their forms. These influences we have put last in order, although they are really of greater force than the second class named. When they are united with the two former, they acquire indeed an unnatural force. The reformer who not only seeks office, but who is able to identify himself with national interests, with the interests of commerce or of manufactures or of agriculture, or of the learned professions, is not only inspired himself with a peculiar and irresistible enthusiasm, but is able to give an air of sincerity and importance to his projects for reform, which communi-

cates itself to the imagination of those who listen to him. The experience of the reform parties in France and England, and, in general, of reform parties in all parts of the world, may enable the discerning politician to assign its true value to the force of enthusiasm, as compared with that of interest in the management of elections. For our own part, we are not inclined to put confidence in the success of any movement, that turns primarily upon reform enthusiasm. The most powerful of all enthusiasms, that of superstition, is ineffectual against the continued, unseen and silent pressure of interest : a party that means to endure, must ground itself upon the physical hopes and necessities of the middle classes of men, those whose property and whose affections are engaged in permanent industry, under the protection of permanent institutions. Masses of poverty and ignorance may be roused and agitated by eloquence and sympathy : that natural sympathy which unites the extremes of imaginative speculation with brute ignorance and ardor ; which brings the lowest grade of humanity into a momentary agreement with the highest ; but these movements, though vast and terrible, are like the swellings of a shallow sea, dashing over and submerging everything that rides upon its bosom. Witness the disasters of the radical and socialist parties in Europe of late years, and in former times ; or the no less eminent, though less ruinous, failures of the radical enthusiasts in England and Ireland. Witness the apparent strength, and, in times of trial, the real weakness and discord of the Abolition party in England. Opinion, taken by itself, has no binding or harmonizing quality ; it is upon INTERESTS, the life of society, the bond of union and the soul of the body politic, that the skillful party leader founds his movement ; enthusiasm is only an accessory to it.

Let us now inquire what means will be employed by the far-sighted politician to secure the triumph of his party. His first effort will be for a period of years, before the coming on of a general election, to diffuse through all ranks and in all parts of the country a knowledge of the common interests of all. He will, if possible, convince the agriculturist that his own interests are identical with those of the merchant

and manufacturer; he will discover to the learned professions the secret causes of their own decline, and show them by what great national measures their own prosperity and that of every species of industry may be secured. To the slaveholder he will impart a spirit of confidence in the Union and the Constitution; and while he will not hesitate to disclose to him the economical reasons of his losses and misfortunes, he will inspire him with a confidence in the forbearance of those whose religious and moral prejudices incline them against him; he will found all arguments upon wants, necessities and facts, and rarely or never upon magnificent hopes, or hypotheses of a better state; he will take care to let all men see that he is himself a man, and that the interests he advocates are his own interests; he will avoid, as ruinous, the reputation of a theorist, a metaphysician, or a fanatic; he will as carefully fly from the other extreme, and show in every word that he is no bigot; his enthusiasm will be sincere and ardent, but it will rarely assume the character of a partisan enthusiasm. And now, when the time has nearly arrived for the trial of the great question, and parties are coming to a distinct and final issue, he will find himself acting in harmony with the sense, the property, and the permanent wisdom of the nation. Such is the course of the skillful politician in all ages.

While the imagination is occupied with these, the solid means and true causes of political success, worthy as they are of the most dignified and the most intelligent minds, and while at the same time the sudden and terrible, though transient energy of reform movements is exciting the wonder of those even who are least

given to admiration; combinations of office-holders and office-seekers, founded on a handful of paltry interests and meagre hopes, without dignity, without unanimity, in a word, without any moral value or permanent importance—such combinations shrink into a contemptible insignificance. It becomes evident, it becomes certain, that they are not of that value and importance which they seem to be of. That they *have* a value, no man will indeed pretend to deny, but that these interested combinations are the great levers by which the million are moved, it is absurd to suppose, even for an instant.

We have already pointed out the causes of the late successes of the Whigs; we have attributed them not to the efforts of an interested band of office-seekers, nor to the enthusiasm of reform movements; but solely to a conviction in the minds of those who represent the great interests of commerce, agriculture, manufactures, and all liberal pursuits, that the measures of the late administration, and of the party who elected them, were injurious to the country, and that therefore new men should be elected, who would allow the measures of the majority to have an unimpeded course. *The causes of the first successes of the party, must be relied on for its continuance in power. Should it resort to other means, and adopt the policy of its antagonists—the policy of indiscriminate proscription, its moral power will be lost, and it will no longer occupy the grand position which it now holds; of a party founded upon the wants and necessities of the people, and which makes the prosperity of the working classes, and not the mis-called “reward” of office-seekers, the true end and aim of its existence.*



## HON. BENJAMIN F. PORTER.

A GENTLEMAN of the other party has furnished us with the following very agreeable account of Judge Porter, of Alabama, an engraving of whose portrait embellishes the present number. The characteristics of the man and politician are touched in, with so light and friendly a hand, we have preferred presenting them to our readers in extracts from the letter, just as they came. To have worked them into a formal biography, would have destroyed their agreeableness.

Our correspondent writes :

"I made the acquaintance of the Hon. Benjamin F. Porter in the summer of 1827, at Chester Court-house, South Carolina, and could not fail to mark the superiority of his manners, conversation, and deportment. Judge Porter was handsome, with a large and brilliant eye and jet-black hair, of slender person, and uncommonly neat and genteel in his appearance; evincing at once that he had been well educated and accustomed to the best society. The beauty of his chirography, his anxiety to acquire legal knowledge and to do justice to clients, was a general subject of observation among the professional gentlemen acquainted with him. When called upon to address the court or his fellow-citizens, there was a terseness of language, correctness of sentiment, and pertinency in his remarks, that produced an effect greatly in his favor, and furnished infallible indications of future usefulness.

"In June, 1828, Judge Porter married Miss Eliza Taylor Kidd, a young lady of most respectable parentage, small in her person, very pretty, quite young, yet endowed by nature with a large fund of good sense; of domestic and retired habits, and who had acquired in her education a liberal share of useful knowledge. In the general features of her character she was a counterpart of her husband; and her correctness of judgment and strength of mind, as well as good taste, were manifested by adventuring cheerfully into this matrimonial alliance. Slight obstacles

were raised, as I understood, by the parents of the young lady, perhaps arising from the youth and inexperience of the parties; but the affianced couple had made up their minds. The lady stole a march upon her friends; and the marriage took place on a June afternoon, under a tree, at a spring—a romantic spot—not far from the paternal residence, and in the presence of the setting sun and two or three select friends.

"Judge Porter was born in the city of Charleston, on the 16th day of September, 1808. His father, Benjamin Richardson Porter, of Irish descent on the father's side, was a native of the Island of Bermuda. His mother, Mrs. Eliza Porter—previously to her marriage, Miss Eliza Fickling—was, descended from a Welsh family, who had migrated to Carolina at the first settlement of Charleston. Owing to paternal embarrassments, Judge Porter was deprived of the advantages of an education; a circumstance by no means to be regretted, as it led to more strenuous exertions on his part for the acquisition of knowledge, when he subsequently became sensible of its importance. Much diversity of opinion obtains as to the advantages or favorable influence of being born with a 'silver spoon in one's mouth,' in reference to one's future destiny. A little reflection on the subject, and an examination of facts, will satisfy us that the chances of success, or of eminence, arising from the circumstances in life of our immediate ancestry, are about equal. If they incline either way, the happy medium desired by the Hebrew prophet, 'Give men either poverty nor riches,' is perhaps to be coveted. The acquisition of 'worldly goods' is certainly one inducement to youthful exertion and enterprise; and a desire to acquire them, in many instances, the guardian angel both of morals and reputation. But if the prize be beforehand thrust upon the young adventurer, all aspirations to future eminence are in danger of being stifled, and an apology,

almost invincible, furnished for the indulgence of mental indolence and unrestrained voluptuousness. In the dispensations of a kind Providence, Judge Porter in youth enjoyed the greatest of earthly blessings, the care of a pious mother, who planted deep, in the soil of a susceptible heart, the germ of piety, and watered it with anxious tears; watching its buddings with a solicitude which none but mothers feel, and none but grateful sons appreciate. Such was the feeble and precarious state of his health at this period, arising from a constitutional debility which clung to him almost to manhood, that his appearance excited the sympathy of beholders; indicating with unerring certainty, as was supposed, habits of confirmed consumption, and all pointing to premature death and an early grave. But whether arising from some latent principle of vitality, or a mild and propitious climate, the care of a judicious mother, or perhaps a union of all these causes, as Judge Porter increased in years, and his mental powers and bodily vigor became successfully developed, his health became generally confirmed, and he may now enjoy anticipations of living to a reasonably advanced age.

"Having spent a year or more in a counting-house, Judge Porter, at the age of fifteen, was placed in the employment of Dr. Thomas Legare, one of the most respectable men engaged in the medical profession in Charleston. This step, I am inclined to think, exerted a most favorable influence upon his future character. He was here at once introduced into a field where he could collect at his leisure a vast body of useful information, and was also restrained from allowing a mind, ardent in the pursuit of knowledge, to be diverted towards frivolous pursuits and useless studies. Natural science, chemistry, botany, zoology, anatomy, and a knowledge of materia medica and pharmacy, were studies in the acquisition of which facilities were rendered him; and our young student did not hesitate to avail himself of the advantages of his situation. In a short time he acquired a fund of most valuable information, the benefits of which he felt long and sensibly afterwards, and which aided him greatly in the prosecution of those literary researches to which he was devoted. The bar of Charleston, at this

time, furnished in its members some shining examples of proficiency in logic, legal learning, and elocution. Visiting the courts of justice frequently, Judge Porter was captivated with the forensic discussions to which he was often an attentive and willing listener. Filled with a generous ambition, he, as soon as circumstances permitted, entered the law office of William Crafts, Esq., a gentleman who at that time enjoyed an extensive and enviable celebrity as a poet and orator, and who united to these a practical knowledge of both the statute and common law, as administered in the courts of South Carolina. The business of Mr. Crafts was also extensive; and such was the rapid progress of his pupil in acquiring the various branches of a legal education, that in 1825 he was admitted, by the Court of Appeals, an attorney and counsellor at law and solicitor in chancery, with authority to practise in any of the courts of law and equity in his native State.

"In December, 1830, Judge Porter removed with his family to Claiborne, Alabama; and his talents being by his new acquaintances justly appreciated, he was chosen, at the general election in 1833, to represent Monroe County in the popular branch of the State Legislature. Such was the favorable impression made upon the General Assembly, upon his first appearance in that body, that he was subsequently, in 1834, elected to the office of Reporter of the Supreme Court, an office at that time vacated by the resignation of G. N. Stewart, Esq. He was also elected Judge of the County Court of Monroe County, and continued a member of the House of Representatives and Judge of the County Court until he ceased to be a citizen of the county. In 1835 he took up his residence at the capital; and in 1837 was chosen by the people of Tuscaloosa County to represent them in the Legislature, and served in that capacity also in '38, '39, and again in 1842. In 1840 he was appointed Judge of the Circuit Court for the Mobile District, the duties of which he discharged with great approbation to the people of that city, but which he resigned at the close of the year. It may be mentioned, as an evidence of superior industry, that during the time he held the office of Reporter, fifteen

volumes were published by him, nine of which bear his own name, and six of which are entitled 'Stewart and Porter,' from the fact that the cases contained in them were decided during the time Mr. Stewart held the appointment.

"It will easily be imagined that under a government where every man feels a personal interest in the administration of public affairs, Judge Porter, from his peculiar temperament, warm and ardent, would almost insensibly find himself connected, more or less intimately, with the discussion and management of political questions, and the organization of parties. The exciting questions that several years since arose out of the controversy between the State of South Carolina and the general government, also rendered such a connection on his part inevitable. The protective system, against the oppression of which South Carolina had for many years remonstrated, having in 1832 reached its most obnoxious state of alleged rigor, that State, by a general convention, declared the whole protective policy to exist in derogation of the Constitution, and its various enactments therefore void and no law, and that after a certain day specified in an ordinance to that effect, no more taxes levied on the part of the general government should be paid in that State. This movement threatened an immediate and hostile collision between the two governments. Judge Porter was not unmindful of his duty as a true son of South Carolina. In December, 1833, he introduced resolutions in the House of Representatives of Alabama, expressing, in unambiguous language, a determination to sustain the State of South Carolina, in case an armed conflict grew out of her resistance to the oppressions of the federal legislature. These resolutions, although they were not adopted by the Legislature of Alabama, yet served to place their author in the front rank of the State Rights party, a position which, with uniform consistency and energy, he has since that time occupied. In the presidential canvass of 1840 he took an active and efficient part in favor of the election of Gen. Harrison, and was successively president of the Young Men's Whig Convention, and of the General State Whig Convention, of that year.

"The benefits which the Whig party, who

were successful in the election of General Harrison to the presidency, flattered themselves would flow to the people of the United States, in raising the agriculture, commerce, and manufactures of the country from the depression in which they were sunk by the financial mismanagement of preceding administrations, failed to be realized, in consequence of the death of the President elect, almost immediately after his inauguration; and the refusal of his successor to afford his sanction to the measures esteemed, by the two houses of Congress, necessary to produce that effect. The result of this disagreement between two co-ordinate branches of the federal government, was the overthrow of the Whig party, and the ascendancy of their opponents in the popular branch of the federal legislature, at the succeeding congressional election. All eyes in the South were now turned to Mr. Calhoun, the South Carolina Senator, formerly Vice President of the United States; and who had gained a high reputation for wisdom, patriotism, and disinterestedness throughout the Union, as a statesman eminently qualified to fill the presidential chair. In this movement, as was natural, Judge Porter engaged with his usual energy of character, under the impression that it was the policy of the Whig party to effect a division of the Democratic party, between Calhoun and Van Buren, as the only means of defeating the latter; but the friends of Mr. Calhoun having unwisely pledged themselves to abide by a nomination to be made by a general convention of the political party of which he was a member, to be held at Baltimore; the friends of Mr. Van Buren, ejected from the presidency in 1840, arranged the measures preliminary to the meeting of that assembly, in a manner so unsatisfactory, that Mr. Calhoun felt himself bound to prohibit the use of his name in the proposed convention. Mr. Clay, having been long a favorite with the Whig party, was then, by common consent, received as the Whig candidate; and a choice being now confined to Messrs. Clay and Van Buren, Judge Porter was not long in coming to a conclusion to which of the competitors to yield his support. He took the field with enthusiasm in favor of Mr. Clay; and his determination was everywhere received



with acclamations by the Whig party, who became unanimous in their preference for the distinguished Kentuckian. Judge Porter's opinions, during this canvass, upon the tariff policy, which were expressed and advocated with a boldness equalled by no politician of the section of the State where he resides, were, that Congress having ascertained, in good faith, the necessary amount of revenue, had a right to discriminate, in the assessment of duties, in favor of the industry of the country.

"No man in the State of Alabama, of the age of Judge Porter, has acquired a higher reputation at the bar. His appearance is commanding; and a stranger does not hesitate to perceive, at once, the superior air of intelligence that both his physiognomy and person indicate. His voice is clear and harmonious; his enunciation distinct; his language chaste and select, and there is a calmness and candor in his introductory remarks that conciliate the favorable opinion of his audience. His arguments demonstrate also, that the facts, as well as the law, bearing upon his case, have been well studied. There is no unmanly trick, no mean resort, no cunning subterfuge, or legal chicanery, discoverable in the management of his cases.

*'Ars est celare artem.'*

"In his deportment and bearing at the bar, he unites the character of a sound lawyer to that of a candid, honorable, and high-minded gentleman; and his legal erudition, imbued with sound philosophy, is always compatible with the principles of immutable justice. In his general appearance, and the distinctive features of his elocution, Judge Porter more nearly assimilates those of the late General Harper, of Baltimore, than any other public speaker with whom it has been my fortune to be acquainted. I heard General Harper in Philadelphia, in the spring of 1824, on the subject of African colonization; and know the high opinion generally entertained of his merits and accomplishments as an orator. I may add, that General Harper was a native of South Carolina, and for many years stood in the front rank of jurists and civilians in Maryland and Pennsylvania; as a forensic orator he was excelled by few of his contemporaries in the United States.

"In private life, Judge Porter is indeed exemplary. By nature, bland, affable and courteous, he wins golden opinions from all ranks of men who come within the attractive influences of his orbit. No violation of decorum—no impulse of passion—no harshness of invective—no severity of reproach—is permitted to sully the purity of his most excited addresses, or disturb a temperament unusually serene and placid. The uniform dignity and correctness of his deportment are the highest evidences of a mind uncommonly well balanced. Liberal to a fault, his ear is never deaf to the language of entreaty, nor his heart callous to the claims of humanity. In acts of beneficence to his friends, personal considerations are never consulted, and in his pecuniary dealings the measure of justice is always heaped and overflowing. Devout without bigotry, and conscientious without ostentation, his life is a model of the practical effect of religious sentiment fervently embraced, while mysteries and metaphysics are relinquished by him to the ingenuity of polemics. Having the care of a widowed mother and mother-in-law, with dependent families providentially cast upon him in early life, his promptness in the performance of duty, and the cheerfulness with which he discharged the onerous obligation, are both proofs and illustrations of filial piety. As a parent, and the head of an interesting and numerous family, Judge Porter cannot be too highly appreciated. Unlike the ungracious pastors spoken of by the poet, he does not point out the steep and thorny path to heaven, while he is himself indulging in the primrose path of dalliance and sensual pleasure. By commendable restraint, abstinence and self-denial, he sets an amiable example before them of purity, moral excellence, unremitting perseverance, and untiring industry. His domestic circle appears a little paradise, to be emulated and envied, and he enjoys in an eminent degree all the advantages of social intercourse.

"In '46, Judge Porter, after an absence of eighteen years from the place of his birth, visited the city of Charleston, and was received with the warm affection so eminently due to a son worthy of the best wishes of a gratified mother. In May, 1848, in again visiting his maternal city,



he was prevailed upon to give utterance to the feelings of attachment and veneration entertained by him for South Carolina. As his speech delivered before the Association of the Friends of Irish Independence contains also a succinct statement of his position as a politician during the memorable struggle in which South Carolina threw off the burthens of the Tariff policy, a short extract from it will not be inappropriate here. The extract furnished may also be considered a fair specimen of the usual extemporary style of Judge Porter as a public speaker.

“Very powerful sensations agitate me at the idea of addressing a Charleston audience. I am here, in the city of my birth, amidst scenes and before faces, recalling most interesting recollections, after an absence of twenty years. If, according to my friend’s undeserved compliments, my name has been heard of by you, and reached beyond my residence in my adopted state, it has been altogether owing to the fact, that all I have done, in all I have said, in every one of my transactions as a public man or citizen, I have kept constantly before my mind the brilliant example of South Carolina. (Cheers.) In my early youth, I tore myself from you, reluctantly. I left you, with no distrust of your institutions, no fears of your justice; but you know that, when poverty presses heavily upon the mind of a young person, despair takes the place of confidence, and we feel less at ease among our friends than with strangers. It thus becomes a part of our nature to seek in foreign lands, a theatre on which to display whatever energy we possess, and where we can be stimulated to greater exertions in the objects of life. Though long identified with another State, I am sure I have never ceased, for a moment, to feel the greatest affection for the land of my childhood. In no period of my life, have I forgotten how much I owe, for every success which has attended my exertions, in professional, political, or private life, to the lofty fame of my native State, and to the examples afforded in the lives and characters of her illustrious sons. Sir, it has been the highest reach of my ambition, whenever fortune has given me the power to indicate a course of conduct for my adopted State, to endeavor to inscribe upon her institutions,

the institutions of South Carolina; to engraft upon her politics the principles of your constitution, which affords such security to civil and religious rights; of those laws which are so venerable from age; of those manners, which dignify life and impress all its relations with most refined sentiments, and most benevolent actions. (Cheers.) Sir, I felt most sensibly the differences which existed, during the period of your great controversy with the General Government: and I trust the reference I now make to them will not be considered indelicate, or revive the slightest painful sensation. The sons of South Carolina were, all of us, in Alabama, on the side of this State. Not that we intended to commit ourselves fully to every abstract doctrine which was pressed by your statesmen. We never felt the necessity of deciding a question merely of reason in that contest. All that we knew or cared to know was, that South Carolina was in danger; all that we trusted ourselves to feel, was for her safety. Our first, our last emotion was to return and strike for the State; our highest resolve was, to come back and array ourselves against the side of military coercion. Hundreds of us were under a solemn pledge to this purpose; not for the political question, but for South Carolina. Had the opposition of the General Government been to Union men, our course would have been the same. The same ardor, the same love for our birthplace, the same veneration for your noble institutions, the same affection for your people, the same detestation of the principle of military force against a free people, would have prompted us to arrange ourselves in your ranks, and given up our lives for your protection. (Cheers.) Mr. President, I have touched upon this topic, less to revive an unpleasant recollection of it, than to congratulate you that the embers of controversy are extinguished; to express my satisfaction at finding you now all united in a measure, which is designed to lay the broad foundations of liberty in other lands.’

“From this extract it will be perceived that Judge Porter does not place his sympathy with South Carolina, evinced in 1832, on the ground of a perfect harmony and agreement with her in political sentiment, but upon the ground of his filial

relation to her. What would be thought of a son who, at the moment of a threatened assault upon a beloved parent would stop to make inquiry into the origin of the controversy, or form a judgment of its merits? Judge Porter, like a true son of South Carolina, when an assault from the hand of brute violence was impending over his native State, prepared himself to rush into the thickest of the fight, and to receive as well as give blows in the unequal contest. His course of conduct in the estimation of every right-minded man must redound to the lasting honor of Judge Porter, and no argument of inconsistency can be derived from this circumstance to impugn his general character as a Whig politician, or his fidelity to the Whig cause. Judge Porter, during the pendency before the country of the various issues on these subjects, was the invariable friend of a revenue tariff, a national currency, and a judicious system of public improvement, under the patronage and control of the federal government, and his splendid exertions made during the campaign of '44, were eminently productive in scattering rays of light in thick and fast succession on these subjects in the State of Alabama. Judge Porter's politics are decidedly national, catholic and American. He does not hesitate, on every suitable occasion to evince a cordial opposition to the anti-social and anti-federal tendencies of

many of the junior politicians of the South, and his confidence in the integrity of the North on the excitable subject of slavery has been frequently expressed.

"In the midst of a large and widely extended practice at the bar, and numerous political engagements, Judge Porter has yet found opportunity for cultivating the society of the muses. His review of Howitt's *Homes of the Poets*—An appeal to the Whigs of the Union for the sake of the Union, in the pages of the *American Review*; his essays on the Civil Law, Cicero, Burr's life, British Reviewers, Criminal Law, &c. &c., in the *Southern Quarterly*—and various articles in *Hunt's Merchant's Magazine* and *Commercial Review*, are evidence of uncommon industry on his part, and exhibit him in a point of light decidedly advantageous as a political writer, and the votary of elegant letters.

"As a member of the State legislature, he is unwearied in the cause of humanity and reform. His exertions to secure the abolition of imprisonment for debt—to secure separate estates for women—to protect the homestead of the family from seizure and sale for the debts of an improvident head—in the cause of education and internal improvement—are noble monuments of the proper application of talents to the accomplishment of great and worthy objects."

## PASSION.

OH that a low-born thought would not intrude,  
Or earthly come in heavenly worship's place!  
I saw her where a temple's arches brood—  
I saw her near a marble column's base  
That lent a warmer beauty to her face,  
And made a softer home her bosom nude.  
No rose-bloom, from a window's pictured pane,  
Blushed on her face, as on fair Madeline;  
No sunbeam found her in that holy fane;  
But, like an alabaster cup of wine,  
She seemed from inner rosiness to shine—  
Her hair a living daylight to retain;  
She burned and burned, upon my giddy eye—  
The evening planet, fallen from the sky!

## THE TRAVELLING TUTOR.

## CHAPTER IV.

The shades of evening had fallen upon the valley, and the pale moon, casting her softened beams upon the rippled bosom of the mountain stream, tipped with a silvery radiance every circling eddy in its current. The myriad stars, gleaming in the cloudless sky, seemed like the eyes of countless disembodied spirits keeping watchful guard over the world, now buried in slumbering repose; and among the green blades of the grassy turf the glowworm, with his tiny lamps, seemed to emulate the brilliance of the mighty heavens, while the firefly, flitting on light and nimble wing, made the greenwood sparkle with unnumbered mimic meteors, darting from shrub to flower, and illumining with evanescent flashes the solemn darkness of the everlasting woods. The feathered songsters of the grove had hushed their merry warblings, and the shrill grasshopper still raised his sprightly chirrupings, and ever and anon the piercing note of the night-hawk aroused with its discordant tones the echoes of slumbering Nature.

It was one of those glorious nights in which the care-worn spirit feels gently stealing over it the calm and tranquil influence of Nature's loveliness; soothing sorrow into repose, and arousing, in the heart bowed down with woe, glad hopes of happier days in the bright world beyond the stars; in which the anguished mourner, gazing into the noble expanse of the spangled firmament, loves to dream that the spirits of the dead are looking down upon him from their home in heaven, and pictures in the soft breathings of the evening wind the voices of the angel host, bearing to his willing ear sweet words of hope and solace to his woe-worn heart. For amid all the turmoils and heart-burnings of human strife the face of Nature ever presents the same heavenly aspect of serene and perfect beauty; let man's heart be never so sad, creation

wears the same unvarying smile, and, like the merry partner of a moping husband, strives to win him back to happiness and peace. Well indeed would it be for the world, if men would more willingly lend ear to the majestic tones which are borne upon the crashing thunder amid the whirl of elemental strife, and listen more reverently to the gentle whispers which float upon the soft autumnal breeze; for these are indeed the voice of Heaven. In all the wondrous beauties of creation, the pious heart recognizes the mighty hand of the Eternal, and reads the noble lessons with which Nature strives to lead back the erring soul to virtue.

Such influences, however, failed to reach the hearts of Rushton and Lord Arthur Ellerton, who were at that moment reclining in the shade of a projecting rock, the base of which reached almost to the river's brink. No one who listened for a few moments to their conversation could fail to perceive that they were intent upon a scheme of villany; and although Lord Arthur's resolution seemed to be often conquered for a moment by some qualms of conscience, these rays of virtuous purpose were but evanescent flashes, and held but brief empire over his mind.

At length, after a silence broken only by the plashing of the rippling current, as it danced merrily over its rocky bed, Lord Arthur said, "Look out, Rushton, and tell me whether you can see any one approaching."

"Not a shadow; but the moon has this moment passed under a cloud, and it is not very easy to distinguish. At nine, I think you said, she was to meet you?"

"Yes; and now I almost hope she may not come. Such innocence, such confiding love, makes my perfidy appear the more atrocious. You say you have all in readiness?"

"Everything; it is impossible that we should not succeed. Within fifty yards of this spot our horses are now waiting to

convey us beyond the reach of pursuit. It only remains for you to try and persuade her to become the companion of your flight; since you will insist upon trying persuasion first, instead of adopting my safer plan, and carrying her off without parley."

"But should she refuse?"

"We have gone too far to retreat. If she should escape us, and inform these fellows of our attempt, we should have the whole mountain horde upon us, and our lives would not be worth half an hour's purchase."

"Oh! Rushton, I wish I had never consented to this villany. Let us abandon the whole scheme. I will sue her honorably to become my wife, and then"—

"Become the outcast of your family, the despised of your friends, the ridicule of your old associates. Pshaw! cast aside these idle scruples, and do credit to your education by showing yourself free from such craven qualms. You! one of the *roués* of the West End—the pride of Crockford's, and the darling of Almack's—and yet afraid to carry off a peasant girl!"

"Yes, yes, Rushton, I suppose you are right. And yet I confess that I wish we had never come here. I know that I have plunged deeply into the tide of dissipation; but to betray such love, such innocence, seems to me almost a crime."

"Are you content then to resign the pursuit; to abandon your fair enslaver to become the wife of some honest bandit, or the prey of some less scrupulous intriguer?"

"No, the thought of that were madness! Are you sure that we are safe from the chance of successful pursuit?"

"Everything has been done to secure our safety in flight. But you are not generally so fearful."

"No, no. I am not afraid; but my heart is ill at ease, and conscience makes me a coward. If these fellows should take us, I should be more afraid to encounter their looks than to meet their poignards."

"You may be sure that if we have the ill luck to suffer the one, the other will soon follow. But so far fortune has already smiled upon us. This very day a party of dragoons has tracked to their lair some of the mountain robbers; and as

most of the honest inhabitants of this valley are in some way connected with the pursuits of these gentry, they have fled in all directions. Ah! some one is coming down the valley. As I live, it is the fair Elenor herself. Now I will leave you, and remember, you are to lead her in the direction in which you see me go. Be firm, and recollect that if you falter you endanger not only our success, but our lives!" And, so saying, Rushton disappeared rapidly among the trees.

Lord Arthur had no time for thought, for no sooner had his companion left him than he was joined by a lovely girl, tripping lightly along with almost fairy footsteps, the sight of whom at once caused passion to extinguish in his heart all the impulses of remorse. Her figure was *petite*, but, though slightly formed, it was exquisitely moulded, and presented, in the picturesque garb of her country, a perfect model of rustic gracefulness. Her features would not have been deemed handsome by a connoisseur, but she had the clear olive complexion of her sunny clime, into which love had summoned a rosy blush which warmed it into glowing beauty, and from the depths of her liquid eyes shone forth the full radiance of a true woman's heart. Her beauty was a grace, not of form but of soul; and the joyous steps with which she now approached her lover, and the timid yet confiding fondness with which she placed her little hand in his, and raised her blushing cheek to receive his tender greeting, told at once all the history of her loving, trusting heart.

"My sweet Elenor, I feared you had forgotten your promise to bless me with so much happiness."

"Nay, Arthur, you should not have distrusted me. Indeed, I could not join you earlier. The soldiers are lurking in every dell, and ambushed in every ravine, and even now it is at the peril of my safety that I have kept my word."

"Devoted girl! to see you once again repays me for all anxieties; though it makes me the more heart-broken to think we are so soon to part forever."

"To part forever! Oh! do not alarm me with such dreadful words; you cannot mean to leave me; me, who love you so dearly, and will cherish you in my heart so truly?"



"Alas, Elenor! I cannot escape from a fate which to me is worse than death. This very night I must leave this happy valley, and retrace my steps to England."

"But you will soon return?"

"Perhaps that may be impossible, but even if I should, it will only be to find you the wife of some happier man."

"Arthur, dear Arthur, you do not know my heart, or you would not wrong me by such suspicions. In the warm heart of an Italian maiden, love is not the idle fancy of a passing hour; it is her soul, it is her life. The sanctuary in which your loved image has found a shrine can admit no other divinity; the empire over which you reign can own no new supremacy. Ah! Arthur, you cannot believe that I love you, or you would not doubt my truth. You say that we must part; and though it should break my heart to lose you, I would not ask you to remain, if absence would secure your happiness. But do not think that you will be forgotten; though you may suffer the remembrance of poor Elenor to pass from your recollection, you will still be my life, my soul, my existence. Waking, your image shall be my only idol; sleeping, your shadow shall alone gladden my lonely dreams; living, I will cherish your memory with undying love; dying, a prayer for your happiness will be breathed in the last accents of expiring existence!"

"My sweet Elenor! we will live, then, in the hope of future happiness, when the gloom which now lowers around our destiny shall be chased away by the bright sunshine of joy. And see, dearest, the moon breaking from her bed of silvery clouds, gives omen of our happy days to come. Let this last evening at least be sacred to love. The cool breeze which wafts its balmy breath from yonder hills seems to invite us to wander beside the mountain streamlet, whose course is now as troubled as our own fate, but which will soon expand into the calmly gliding river, foreshadowing our joyous destiny. Come, dear Elenor, for one hour at least let us defy the frowns of fortune." And circling with his arm her slender, graceful waist, he led her unresistingly along the path which skirted along the margin of the woods, pouring into her ear the while sweet words of hopeful love, upon

which she hung with all the absorbing devotion of her pure and guileless heart.

For a few brief moments all was still. But scarcely had the retreating shadows of the two wanderers disappeared among the trees, when a few shots fired in quick succession broke the solemn silence of the night, and Beppo, swinging himself from shrub to shrub with well-practised dexterity, descended the hillside with the agility of the mountain roe. Reaching the valley, he prepared himself for yet further flight; but at that moment a piercing shriek struck upon his ear, whose well-remembered tones sent the warm blood coursing in a fiery torrent to his heart. Again and again the cry arose, and Elenor, her hair flying wildly in the breeze, and her face pallid with alarm, came running rapidly along the valley, followed by Rushton, whose swift footsteps gained quickly upon his retreating prey. She saw him; with a wild cry of joy she bent her steps towards him; in another moment she would have been in his arms; in an instant the ball from Beppo's levelled pistol would have sent the soul of the dastardly assailant to its long home beyond the grave. But at that moment the well-directed aim of a trooper's carbine, discharged from the hill above, sent the bandit reeling to the earth; the soldiers, pouring down the hillside, gathered around him, and secured his limbs with cords, while his senses were yet steeped in stupor from the sudden shock of his wound; and when Beppo again woke to recollection and started to his feet in mad frenzy, at the remembrance of the scene which had last met his view, the wild shrieks of Elenor had almost died away into silence among the distant hills.

## CHAPTER V.

Again Time had winged his eager flight over the lapse of three revolving years. Three years! Small item in the great account of eternity, yet to some a lifetime of despair. Three years! To the voluptuary, but a moment for enjoyment; to the favorite of fortune, but an hour for happiness; yet to the poor, friendless outcast, an age of speechless agony. Three years!

To the flippant fancy of those who weigh the destinies of others in the balance of their earthly justice, a term of suffering almost too short to be assigned to the meanest offender against their laws; yet to the mourner, an age of misery; to the lone and desolate, a century of undying woe.

The great world of London lay hushed and cradled in uneasy slumber. In the lordly palaces of the silent city, the high and mighty ones of the land—the titled favorites of fortune, around whom wealth had strewn her glittering treasure, dreamed, with fitful starts, then waking visions of avarice and ambition. In the pauper hovels of the obscure and crowded alleys, where the pure air of heaven never fans the pallid cheek of stunted and decrepit childhood, but filth, and want, and woe, vegetate in an atmosphere of corruption, the poor, tossing on their uneasy pillows, dreamed of happy and contented homes, and wholesome food and ample raiment—never, alas! to be realized in their wakeful hours; and in the dark and gloomy cells of the felon's prison, the convict rattled the heavy chains which manacled his aching limbs, as before his sleeping fancy rose bright visions of the cheerful fireside, and kindly looks, and loving words, which had gladdened his stainless infancy, now fled, to return no more. High and low, rich and poor—all revelled in the world of visions. In the disordered fancies of many slumberers dark forms of vicious passion sprung into wild developments, and evil phantoms grinned upon their repose; but around many young, sleeping heads, wreathed other and more hopeful fancies; and many gentle hearts, shrining in their visions the idols of their young affections, dreamed dreams of love, and innocence, and peace, such as might make the weeping angels, who mourn in their high homes the vices of a selfish world, smile, and bless the dreamers as they slept.

London slept! Yet not all its denizens were wrapped in slumber. In the dark and narrow streets which skirt the haunts of vice, the thief lurked in obscurity, watching for some stray traveller who might become his prey; close to the walls of great houses, whose outward aspect spoke of wealth within, the burglar crept, with soft and stealthy footsteps, to pursue his fear-

ful and unholy trade; and in the wide avenues, where splendid buildings reared their sculptured fronts, and the bright gas-lamps rivalled the brilliance of the open day, the wretched beings who spread a moral pestilence among men, and lay around their steps their dreadful snares, as if to avenge upon the race the cruel wrongs which caused their early fall from virtue, swept along, arrayed in flaunting finery, laughing the hollow laugh of vice; too often, alas! hiding beneath the gaudy mask without, an endless store of aching woe and bitterness within.

In one of the streets, in the fashionable quarter of St. James's, there is, or was, not long ago, a house of staid and decorous aspect, possessing, externally, no features likely to attract a stranger's notice; and as, on the night to which our history now carries us, the shutters were closed, and no signs of wakeful existence were apparent to the closest observer, a passer-by would have been inclined (if he took any notice of it all, which it is most likely he would not) to set it down, at once, as the abode of some inoffensive citizen, who had followed at least one of the precepts of that golden rule, commonly prescribed to infancy as the unfailing key to the attainment of vigorous constitutions, large fortunes, and oracular wisdom, by retiring early to repose.

The light of the tall gas-lamp which reared its head before the door of this building fell, about two hours after midnight, upon two individuals who approached the house, and, after glancing cautiously up and down the street, gave three soft and peculiar taps upon the door. A slide, which covered a little grating in the panel, so small and well-concealed that it would have passed unnoticed, save by a very careful observer, was quickly but noiselessly drawn back, and a watchful eye peered out upon the new comers. Apparently, the result of the inspection was satisfactory, for the door was softly opened, though only wide enough to allow the ingress of one person, and the two visitors passed through the narrow opening, and entered an ill-lighted hall. At the end of this, another door interposed to bar their progress; but, at a few words from the man who had first admitted them, this was opened also, and, ascending the narrow

staircase, they entered the principal apartment.

It was a small, but sufficiently lofty room, lighted by a hanging gas-lamp, around the four burners of which green shades threw the full glare of brilliance upon the table below. The furniture bespoke habits of luxurious occupancy. Soft sofas skirted the walls; and all the appliances were upon a scale of elegant and costly splendor. But the atmosphere was hot and stifling; the closed windows excluded every breath of pure air; and the motley crowd of occupants combined with the glaring lights to make the heat insufferable.

They were all gathered round the table in the centre of the room, except one lethargic visitor, who, having imbibed more than enough of the generous wine which sparkled in crystal decanters upon the side-tables, had fallen on the floor, and lay, his head resting on the sofa, in undisturbed repose; and another, who, with pallid cheeks and bloodshot eyes, and hands clenched in the mute agony of despair, sat glaring wildly on vacancy, apparently unconscious of all that passed around him. But the rest all bent over the table, watching eagerly the progress of the play, with the rapt anxiety of men whose fate hung upon the issue of the game.

It would have been a curious study, to scan the varied aspects of those who were gathered together in this den, and to discriminate the infinitely diversified shades of character which presented themselves on every side. There was the jolly country squire, who had been decoyed into entering the house by the questionable man of fashion, who stood beside him, and kindly "managed his play," and at whose bidding and advice he staked and lost his money mechanically, gaping around the while, in wondering astonishment at the strangeness and novelty of the scene before him. There was the professed gambler, who made his living in such haunts—cool, steady, and calculating; of polished bearing, yet with gleams of native vulgarity peeping through his artificial covering of gentility; gaily dressed in the extreme of jaunty fashion, and his fingers heavy with rings of questionable metal. There was the clerk, who had appropriated his employer's money to risk upon the hazard of

the game, and whose anxious eye was now fixed nervously upon the progress of the play, awaiting, in agonized expectation, the coming crisis of his fate. Could a calm observer have scanned the hearts of all this motley throng, and read the secrets that were there enshrined, how dark a page would he have perused in the book of fate! how many entries would have met his eye, which would have made the blood run cold within his veins, and chilled his heart with misery!

But there were no calm observers there; all were lost in the wild whirl of tumultuous excitement; none had any eyes but for the game before them; any ear, but for the sounds which told them whether they had lost or won. Now and then, some poor ruined wretch would rush from the table, and throwing himself upon the sofa, clench and twine his hands in his disordered hair, abandoning himself to agonized despair; while others, who saw the gulf of ruin yawning wide before them, yet lacked the resolution to spring back from the margin of the abyss, hurried to the wine-bottle, and fed their frenzy with draughts, which poured upon their maddened brains like oil upon a blazing fire. Curses and execrations were borne upon every breath; obscene jests and blasphemous ribaldries passed from mouth to mouth; infuriated gamblers, raising the wine-cup to their lips, heard a new loss proclaimed, and dashed the untasted goblet wildly on the floor; while others, flushed with wine, and elated with success, gave vent to their glee in boisterous and unruly merriment. All was tumult, riot, and debauchery—a living image of an earthly hell!

The new comers were of a class somewhat superior to those who were already gathered within the apartment; but each man was so absorbed in the chances of his own game, that their entrance passed almost unobserved. The elder was a tall, handsome man, the expression of whose face bespoke the thorough and hardened libertine; but the younger, though he bore on his countenance sad traces of dissipation, was yet of nobler mould, and, though he seemed but too much habituated to such scenes as those in which he was now an actor, looked as if formed for better things. But he appeared to abandon him-



self entirely to the guidance of his companion, and now threw himself on the sofa beside him, with an air of careless and uneasy negligence.

In a little while they rose and joined the gamblers at the table. For a time they played carelessly, as if rather to dissipate *ennui* than to tempt the smiles of fortune; but soon the flushed cheek and kindling eye of the younger player betokened a deeper interest. He staked higher: he lost. Again and again he doubled his hazard, and each time fortune frowned. Curses on the dice! Will the luck never change? He flew to the bottle; poured down his parched and burning throat brimming goblets of the fiery wine, which inflamed yet more ardently his burning brain, and then—back to the game again, with redoubled energy. Hours flew by like minutes. With the mad fury of desperation, he laid at last upon the board a stake so high that the pallid gamblers forgot for an instant the interest of their own play, and watched, in hushed and breathless silence, the hazard of his cast. Another moment, and, with a wild and agonized cry, he rushed from the table, and throwing himself on the sofa, buried his face in his hands, in abject misery.

All this time his companion had remained a passive spectator; occasionally staking small sums, but never venturing upon a larger hazard. He watched with a curious eye the maddened energy with which the young man played, and a careful observer might have detected many significant looks of intelligence which passed between the proprietor of the bank and himself, as stake after stake was swept off the board in rapid and terrible succession. But now he approached his friend, and made an effort to induce him to resume his play.

"Come," he said, touching him on the shoulder, "do not give up yet. Another throw, and you will retrieve all your losses."

"Away! tempter," cried the young man, shrinking from him, "it is to you I owe my ruin."

"Pshaw! man, a mere run of ill luck, which must soon have a change. Ruined! while the dice still rattle, and Fortune still has smiles to greet her votaries?"

"Never! I have forsworn the gaming table forever."

"What folly! Come, give fortune another trial. This very day you may retrieve all your losses. Your stakes upon the event of the Derby are enormous."

"If I lose, I am dishonored."

"But if you win, you may defy forever the caprices of fortune. Come, let us leave this close and stifling atmosphere; a breath of pure air will put you in good spirits. Never be disheartened, man; life is all ups and downs, and we must all expect to be in the mire sometimes."

He put his arm through his companion's and led him down the staircase. As the door opened, and the cool breath of morning fanned their burning brows, each almost started to see how hollow and haggard looked the other's cheeks in the brilliance of the early daylight.

On the door-step a swarthy, ill-dressed man, whose hand-organ, resting on the pavement beside him, sufficiently indicated the miserable means by which he gained his precarious subsistence, had laid him down to sleep in utter weariness and exhaustion. The elder of the two kicked him, and gruffly bade him rise. The man roused himself with a grumbling malediction, and turned slowly to depart. But what is this? What means that change, as his eyes rest upon them, from a dogged look of obstinacy, to a wild glare of terrible revenge? Why put his hand mechanically in his bosom, as if in search of some accustomed weapon, and, finding none, clench his fists and scowl at them like a living demon?

The pair walked together to the corner of the street. "At Epsom, then, to-day?" said the elder as they parted.

Why does the strange man gaze so fiercely after them? Why start as if he would have pursued them, and then, as he hears their parting greeting, pause as if a sudden thought had struck him, and shake his fist at their retreating figures with an exulting and devilish smile?

## CHAPTER VI.

The sun was shining brightly upon the race-course at Epsom, and lighted up a scene brilliant with gaiety and life. From a hundred booths of snowy canvas, gay



and gaudy flags fluttered in the breeze; on the grand stand a perfect sea of bright and joyous faces beamed forth radiant and bewitching smiles; in unnumbered carriages proud beauties sat enshrined in state among a host of slaves, and bewitching belles wielded with fascinating grace the sceptre of their gentle empire. Even the motley crowd on foot presented many features of beauty. The very beggars, in their many-colored rags, afforded so picturesque a contrast to the monotonous array of black coats around them, that you would, for the moment, have been almost sorry to see them better clad; and although there mingled with the host of pedestrians some whose countenances bore villanous indications, and whose studies seemed to have perpetual reference to the interior of their neighbor's pocket, yet the entire aspect of the scene was so joyous and cheerful, that the eye gladly avoided all its unpleasant features, and rested only on its forms of gaiety and beauty.

There were enough of these drawbacks, however, if you chose to spy out their existence. The drinking tents swarmed with a noisy and riotous crew; the gambling booths were crowded with a motley herd, presenting all the unpleasing varieties of character commonly to be met with at such resorts; and around the pea and thimble tables had gathered many crowds, eager to enjoy the plundering of some unhappy victims, who played with an air of innocence, plainly betokening the absence of all knowledge of the real character of those notable contrivances for the plucking of greenhorns.

Foremost in the small knot of betting men who had gathered together near the judges' stand, were two individuals whom the eye could scarcely fail to recognize, though each had undergone some change since this history last encountered them; but still the marked characteristics of Rushton and Lord Arthur Ellerton had suffered but little alterations. The one, as handsome and as dashing as ever, had been developed by time and assiduous cultivation from the embryo rake into the full-blown *roué* and scoundrel; the other, still too indolent to be virtuous, and wanting strength of mind to resist temptation, was still the slave of his quondam preceptor, who bent him easily to his will;

but the joyous light of his eye was quenched and dim; his cheek had lost its hue of health, and his pale and haggard face gave token that sorrow had been busy with his heart.

When Lord Arthur returned to England with Rushton, having succeeded in bearing off Elenor from her mountain home, he was able for some time to keep concealed the history of his achievement, and he and his fair enslaver whiled away their happy hours in a life of love, but not, alas! of virtue. For Elenor had soon forgiven her betrayer; the love which filled her fond and generous heart had pleaded his cause with her when he sued for pardon, and told her that it was the ardor of his passion which had caused his error; and her pure and guileless mind, itself innocent of deceit, gave ready credence to the specious and plausible pretenses which he urged as excuses for delaying yet further their lawful union. In burying his *liaison* with Elenor in concealment, Rushton gave him all the aid in his power; for this man, when his connection with Lord Arthur as his travelling tutor was at an end, became the parasite of the weak young lord, feeding daily upon his bounty, luring him to the gaming-table to be fleeced by his vile confederates, and making him, in a thousand ways, his unresisting prey; and he well knew that if Elenor's history should come to the knowledge of the Earl, an explosion would be the result, which might leave Lord Arthur penniless, and thus deprive himself of his odious and most despicable subsistence. So he kept all quiet, and though it was noticed that Lord Arthur Ellerton withdrew himself from gay society, and led a secluded existence, none penetrated the mystery which enveloped his movements; no prying and inquisitive eye discovered the retreat in which he spent so many joyous hours.

But at length an event occurred which rendered a crisis inevitable. The Earl of Rosedale was a man proud of his lineage, and absorbed in the one idea of transmitting the honors of his house to a long line of remote posterity. He had often viewed with displeasure the aversion which Lord Arthur manifested to the matrimonial alliances which had been at various times propounded to him; and at length, growing

fearful that the grave would claim its own before this darling wish of his heart had been accomplished, he laid his positive commands upon his son to become a suitor for the hand of Lady Catharine Mowbray, the lovely and wealthy daughter of the Duke of Windermere. With this mandate Lord Arthur positively refused to comply; prayers, threats, entreaties, all failed to move him; and at length, in a torrent of angry passion, the old Earl drove him from his roof, and bade him darken his doors no more.

In this posture of affairs it became evident to Rushton that an *eclaircissement* would not be long delayed; and this worthy was not long in determining upon the course which best accorded with his own immediate interests—the only consideration which ever weighed for a moment in his deliberations. If Lord Arthur's *liaison* were discovered as it really stood, his own ruin was inevitable. He had been the prime agent in the original abduction of the Italian girl; he had kept the whole matter concealed from the Earl's knowledge; and although it was true that it was by his influence alone that Lord Arthur had been prevented from marrying her, he was too well acquainted with human nature to imagine for a moment that, in the torrent of the old Earl's unbridled indignation, he would pause to give him the benefit of this consideration.

To do Lord Arthur justice, it must be admitted that he loved Elenor with passionate devotion; and the warm affection which he lavished upon her was all the more ardent from the chilling blight which the rigid formalities of his caste had early cast upon his heart. At the moment when he first owned to himself the empire which she had attained over his soul, he had no thought but of honor; and, had he been left to his own control, he would have sooner died than done her injury. But it was the misfortune of his life that he was weak and infirm of purpose; the wily tempter who had cast his unholy spells around him found it an easy task to mould him to his will; and when the die was once cast, and he saw that Elenor was happy, it needed but little art to persuade him not to endanger the ruin of all by a step which would have made him an outcast from his home. And she, poor, trust-

ing, loving heart, was too joyous when he was by her side to dream of aught but the happiness of possessing undisputed the whole devotion of his soul.

Rushton saw that a bold step was now his only chance of escape from ruin. So he went at once to the Earl, told him of Lord Arthur's passion (concealing, of course, his own connection with its early history) and offered to become the means of weaning him from his delusion, and driving his love for Elenor forever from his heart.

The Earl gladly seized upon this new thread of hope, and, stimulating his proffered ally by many promises of rich reward, urged him to devote himself to his task without delay; and he had no reason to complain of the zeal which the treacherous Rushton displayed in carrying out his scheme of villany. With right good will he betook himself to the work before him, stimulated to energy not only by the prospect of the reward which was to repay his services, but by the impulses of private hatred; for Elenor, with the ready quickness of woman's wit, had soon seen through his character, and strove, by every means in her power, to break the chains of his evil empire. But what need to trace the odious steps by which he gradually approached the fulfilment of his wicked purpose? Little by little he succeeded in poisoning the young lord's mind against this simple girl, who had bestowed upon him all the rich treasure of her love; by forged letters, and not less dastardly inventions, he led him to believe that she was false to him; and poor Elenor was stricken almost to the earth by the news which a few brief lines from his loved and fondly remembered hand conveyed to her one dreadful day, that she was deserted and forsaken, and cast forth upon the cold charities of the lonely world.

Yet she never believed that he had of his own free will spurned her boundless love. In her true heart, his worshipped image still held its ancient shrine; the fair presentment of his cherished form, still shadowed in her memory, was blotted and bleared by no disfigurements; and when, in her abject and friendless misery, she turned back to dwell upon the glad remembrance of sweet hours of vanished happiness, she still thought of him as the

bright being who had first won her maiden love ; still clung with fond tenacity to the belief that the cloud which now hung around her fate would pass away, and the sunshine of his affection fall once more upon her aching heart. She never sought by importunity to win him back ; but she hung upon his footsteps like a shadow ; many and many a time did she watch for hours that she might catch one glimpse of that loved face and well-remembered form ; and often, in her saddest moments, did she long for the day to come, when, a disembodied spirit, she might hover around him, seeing, yet unseen, and guard him from every woe and danger with her angel love.

Oh woman ! woman ! thou loveliest spirit of the land of dreams—thou brightest angel of the waking world—how little do the dull casuists, who, in the calm tones of cold philosophy, discuss the unfathomed secrets of the human heart, know of the boundless riches of this most unselfish love ; how little guess the heavenly purity of thy angel soul ! And when the great account shall come, and the buried secrets of all hearts shall be laid bare before the assembled world, how many a tale shall come to light of thy pure, unfaltering devotion, which shall make the wretches that have betrayed thee find in thy forgiving smile the heaviest punishment for the wrongs which on earth have crushed thee to despair !

Rushton succeeded in his purpose, and succeeded beyond his most daring hopes. For from the moment when the young lord, maddened by the doubts with which he had poisoned his mind, cast off the love which was to him all the world, he became at once an altered being ; his pale cheek and saddened eye told the sad history of a broken heart ; he was a crushed and spirit-broken man. When his tempter strove to lead him yet further into vicious pleasures, and lured him often to the gaming-table, where his wealth became an easy prey to the practiced sharper who had entrapped him, he gave himself up unresistingly to his control. By quick degrees he became entangled in the meshes of the net which the wily hand had spread around him on every side ; and he trod, like one in a trance, the path to ruin, seeming to lack the energy to pause a moment in his mad career.

The great race of the day was over ; the winners, flushed with triumph, crowded around the winning horse, and exchanged congratulations with those who had shared with them the smiles of fortune ; the losers, cursing their ill-luck, retired, grumbling and discontented. The mighty struggle at an end, all prepared for feasting and enjoyment ; hampers were unpacked, knives and forks rattled, and glasses clinked in carriages ; the sparkling champagne rivalled in the brimming goblets the bright glances shot from the eye of beauty ; the merry laugh rang musically from ripe and rosy lips ; and all was revelry and joy.

But who is that meanly dressed and swarthy man, who, with knitted brow and fiercely gleaming eye, and hand buried ever in his bosom, lurks on the outskirts of the course, and wanders stealthily around, as if in search of some one in the motley crowd ?

One alone of all the varied throng upon the course seemed sad and desolate. Refusing the urgent entreaties of his friends to partake of their good cheer, and shrinking even from the proffered arm of Rushton, Lord Arthur separated himself from his companions, and wandered alone to a quiet spot, where the loud murmuring of human voices subsided into a dull and monotonous hum, like the rushing of distant waters, and paced the turf in rapt and melancholy abstraction.

It is a beautiful thing in our nature, that, in our hours of sadness and dejection, unbidden thoughts of innocence and peace find easiest entrance to our woe-worn hearts. It is at such times that the memory of the dead comes over our spirits with a calm and gentle influence ; as if there were some mysterious affinity between the visible and the unseen, called into life only by the touch of sorrow, by which the spirits of those we loved on earth are suffered to carry solace to the hearts which in life were all their own, and, hovering in their angel shapes around the mourner's head, to guide his thoughts to Heaven ! To Lord Arthur, Elenor was as one dead ; he knew not whether she slumbered in the grave, or still lingered in the world of life. In his inmost heart he had ever cherished a hope that some distant day would prove that he had wronged her ; often did he sigh to think that he



never suffered her to plead in her own defense; often did he picture to himself what boundless joy it would have been to have heard her tell him that she had never been traitor to his love, and, pressing her to his heart, to have acknowledged her, before all the world, his true and faithful wife. Oh! vain regrets and, fruitless yearnings for a past beyond recall! serving only to increase the agony of present woe!

That day, however, other thoughts had tended to disquiet him, and to fill his mind with uneasy cogitations. In the crowd upon the course he had seen a female form, hooded and muffled in a gipsy cloak, which had called strange and indefinable fancies into his heart. He almost smiled at himself for giving way to such feelings; and yet he could not shake off the mysterious influence which overpowered him. As he strove to reason himself out of this strange delusion, for such it seemed to be, looking up he beheld the same figure crossing the path which he had that moment trod.

A vague but uncontrollable impulse led him to hurry after the stranger; though why he did so, he could scarcely explain even to himself. He gained quickly upon her, and laid his hand upon her shoulder.

Ah! stranger, why does thy form tremble; why mounts the blush into thy pallid cheeks; why stands the tear-drop in thy mournful eyes, as that touch rests upon thee?

She tried to escape from him, and hurried on with yet more rapid footsteps. But the mysterious prompting which had before impelled him, grew yet stronger in his mind, and he placed himself before her in the path.

"Do not be alarmed, fair stranger," he said, "I mean you no injury."

"Let me pass! I implore you, let me pass!" Her voice was choked and smothered as with strong emotion; even these few words seemed uttered with a painful effort.

"Nay," he said, gently detaining her, "do not avoid me so harshly. Come, your garb bespeaks you one of those who read in the stars the history of the past, the destinies of the future. You shall be my Cassandra; though not, I hope, so dark a prophetess."

"Have a care," said the gipsy; "do

not tempt misery by seeking to fathom the dark secrets of the book of fate. To some the knowledge may bring happiness; to many, it is but the exchange of the joys of hope for the motiveless apathy of despair."

Why does Lord Arthur listen so intently? What strange fascination hangs upon the gentle accents of that gipsy girl, to chain him in such rapt attention? What bewildering thoughts rush in wild currents through his distracted brain?

"Fear not," he said at last, "fear not; I shall not grieve over the future. It is enough for me to repine at the present, and to mourn over the past."

"Is the present so gloomy? Are the memories of the past so full of sorrow? You are too young for misery; youth and happiness should ever hold close kindred; hope and ripe manhood should share a joint existence. What matters it that fleeting clouds obscure the mid-day sun, while the glorious orb still holds his meridian radiance, and waits but their rapid flight to shine again in unabated splendor?"

"But when hope is dead within the heart, when all that could give joy to life has vanished like a dream, never to return, what hope of happiness but in oblivion? what home of refuge but in the grave?"

"Your years are few, young stranger, to have numbered so many sorrows."

"What need of many sorrows, when one great blow can blight the heart forever, and make the memory of vanished happiness the parent of despair? What cares the gambler for the smaller chances of his play, when the one great hazard, on which hangs all his destiny, plunges him into utter ruin."

Ah! fair stranger, why that wild look of almost frenzied happiness as these sad words break upon thy listening ear? What boundless joy is borne into thy heart upon the music of that mournful sigh? And when he places his hand in thine, that thou mayst read his map of destiny, why tremble as his outstretched palm touches thy dainty fingers? Be still! thou panting, throbbing heart, be still!

"Stranger," she said, "you have loved, and loved truly. But your love has been crossed. You have been deceived, betrayed."

"Alas! alas! too true!"



"But not by her you love."

"Ha! what say you?"

"Her heart has never faltered in its truth; even now, in abject and utter misery, she raises in her lonely hours fervent prayers to Heaven to shed rich blessings on your path, and gild your life with brightest rays of joy."

"Say on, say on; your words strike upon my heart like a voice from beyond the grave."

"You have been duped; but not by her. False friends have poisoned your mind with calumny, and in an hour of passion you have cast off her who lived but in your smile; but she was faithful to you, aye, and most truly so when you made her an outcast from her happy home."

"Oh tell me that this is true, that it is not some wild dream of my disordered brain that shapes distempered fancies into glad realities, and pours upon my ear those words of joy which lighten with rays of hope my lonely, wretched heart!"

"Arthur! dear Arthur! deceived, deluded, and betrayed! but ever fondly loved, even when you seemed most cruel, it is indeed the truth!" And Elenor flung

herself weeping into his arms, and pressed her burning brow upon that beating heart, which never throbbed with such wild, delirious happiness as in that moment of unspoken joy.

She was yet hanging upon his neck, covering with kisses those dear, pallid cheeks; he was yet telling her how he would atone for all her wrongs and all her sorrows, by making her the mistress of his happy home—his true, fond, loving wife; when a tumult of many voices was heard upon the distant course, and the crowd, parting asunder, made way for some who bore along the bleeding body of a murdered man. None could say how he had met his fate. A man of foreign aspect had been perceived lurking about his steps during the day, and was in the crowd around him a moment before he fell; but he had vanished, and none could tell whither he had fled.

They drew the dagger from his bleeding side, and upon the blade, scratched in rude characters, was graven "BEPPO," nothing more!

It was the corpse of Henry Rushton!

## SONNET.

As one, who, from a weary bed uprising,  
Invokes with languid eyes the sleepless stars;  
And prays, that if, in destiny comprising  
All evil that the unborn future mars,  
They hold a good in store, reserved to him,  
The twilight of that happiness may rise  
With rising day; then while his eyeballs swim  
In tears, the pledge of joy, new destinies  
With day uprising in the saffron east  
Appear, adorned with hope's auroral sign;  
He welcomes the fair dawn with joy increased  
By grief remembered; so, the light divine,  
Thy dear eyes gave me when I walked forlorn,  
I hailed for earnest of eternal morn.

## REMARKS ON MY FAVORITE AUTHORS.

Oh thou, whoever thou art, that dost seek happiness in thyself, independent of others, not subject to caprice, not mocked by insult, not snatched away by ruthless hands, over which Time has no power, and that Death alone cancels, seek it (if thou art wise) in books, in pictures, and the face of Nature, for these alone we may count upon as friends for life. While we are true to ourselves, we cannot forget them. As long as we have a wish, we may find it here; for it depends only on our love for them, not on theirs for us. The enjoyment is purely ideal, and is refined, unembittered, unfading for that reason.

*William Hazlitt's "Picture Galleries of England."*

ONE cannot but love *Thomson*, the author of the Seasons, personally; one loves him in his books. His character was remarkably amiable, and it is not known that he ever gave a single human creature pain. He was once seen eating peaches from a tree, with his hands in his pockets. And after remaining in bed till two o'clock in the afternoon, think of his writing lines such as these:

Falsely luxurious! Will not man awake,  
And, springing from the bed of sloth, enjoy  
The cool, the fragrant, and the silent hour,  
To meditation due, and sacred song?

Nevertheless, he was fond of walking in the fields and woods, even when the paths were matted and choked with dreary showers. How true to nature is his description of a rain in spring-time!

The stealing shower is scarce to patter heard,  
By such as wander through the forest walks,  
Beneath the umbrageous multitude of leaves.

And afterwards, "Moist, bright, and green, the landscape laughs around." The white, unblemished manners of the golden age, flowers, rural labors and amusements, possess an eternal freshness in his pages. The description of the caravan overwhelmed in the desert, the stag-hunt, the man buried in the snow-drifts, are affecting in the extreme.

In vain for him the officious wife prepares  
The fire, fair-blazing, and the vestment warm;  
In vain his little children, peeping out  
Into the mingling storm, demand their sire,  
With tears of artless innocence.

Thomson delighted to look on

The verdant field, and darkening heath between,

And villages embosomed soft in trees,  
And spiry towns by surging columns marked,  
Of household smoke.

\* \* \* \* \*

The gray-grown oaks

That the calm village, in their verdant arms,  
Sheltering, embrace.

\* \* \* \* \*

Now from the town,

Buried in smoke and sleep, and noisome damps,  
Oft let me wander o'er the dewy fields,  
Where freshness breathes, and dash the trembling drops  
From the bent bush, as through the verdant maze  
Of sweetbriar hedges I pursue my walk,  
Or taste the smell of dairy.

\* \* \* \* \*

Nor purpose gay,

Amusement, dance, or song, he sternly scorns;  
For happiness and true philosophy  
Are of the social, still, and smiling kind.

The following wishes find an echo in the bosoms of us all:

An elegant sufficiency, content,  
Retirement, rural quiet, friendship, books,  
Ease and alternate labor, useful life,  
Progressive virtue, and approving Heaven.

\* \* \* \* \*

Now all amid the rigors of the year,  
In the wild depth of winter, while without  
The ceaseless winds blow ice, be my retreat  
Between the groaning forest and the shore,  
Beat by the boundless multitude of waves;  
A rural, sheltered, solitary scene,  
Where ruddy fire and beaming tapers join  
To cheer the gloom. There studious let me sit,  
And hold high converse with the mighty dead.

\* \* \* \* \*

Sit at the social fire, and happy hear  
Th' excluded tempest idly rave along.

He calls society "the first of joys," and home the resort

Of love, of joy, of peace and plenty, where,

Supporting and supported, polished friends  
And dear relations mingle into bliss.

*Madame de Stael*, in her work "*De la Littérature*," observes :

"Est il une plus délicate peinture de l'amour dans le mariage, que les vers qui terminent le premier chant de Thomson, sur le Printemps?"

*Southey*, in his life of *Cowper*, writes, that a taste for descriptive poetry, of which none was produced in the school of *Pope* and *Dryden*, and which professional critics had vilified and condemned, had been revived by Thomson. So little was it favored in his time, that it was long before he could find a publisher for his "*Winter*;" and when, upon *Mallet's* recommendation, a bookseller ventured to print it, the impression lay like waste paper in his warehouse, and was in danger of being sold as such, when one *Mr. Whatley* (his name deserves to be recorded) happened to take up a copy which was lying on the publisher's stall. He was a lover of poetry, and, as it appears, a man of reputation among town wits, for he brought the poem into notice by spreading its praise through the coffee-houses; and the edition was sold in consequence of the zeal with which he commended the poem. A genuine critic has said of Thomson, that Nature in his descriptions is seen growing around us fresh and lusty as in itself. We feel the effect of the atmosphere, its humidity or clearness, its heat or cold, the glow of summer, the gloom of winter, the tender promise of the spring, the full, overshadowing foliage, the declining pomp and deepening tints of autumn. He transports us to the scorching heat of vertical suns, or plunges us into the chilling horrors and desolation of the frozen zone. We hear the snow drifting against the broken casement without, and see the fire blazing on the hearth within. The first scattered drops of a vernal shower patter on the leaves above our heads, or the coming storm resounds through the leafless groves. In a word, he describes not to the eye alone, but to the other senses, and to the whole man. He put his heart into his subject, writes as he feels, and humanizes whatever he touches. He makes all his descriptions teem with life and vivifying soul. *Dr. Johnson* said that Thomson had as much

of the poet about him as most writers, and that everything appeared to him through the medium of his favorite pursuit, and that he could not have viewed two candles burning, but with a poetical eye. Perhaps no poet has ever addressed himself to the feelings of a greater number of readers. *Coleridge*, when on an excursion in Wales with *Hazlitt*, finding a little, worn-out copy of the "*Seasons*" in a window-seat in an inn, exclaimed, "*that is true fame*."

Thomson was in stature above the middle size, handsome in his youth, with an animated countenance, that expressed all the emotions of his heart; and so he appears in *Aikman's* picture, for which he sat in his 25th year. This is the portrait of him that usually accompanies his poem of the *Seasons*. *Johnson*, who could not have seen him before 1738, and probably not so soon, says, "he was of a dull countenance, and of a gross, unanimated, uninviting appearance, silent in mingled company, and by his friends very tenderly and warmly beloved." He had a slouching way of walking or rather sauntering on the road, and in the field, with his hands behind his back, and his head a little on one side, and when he walked in his own garden, which he dearly loved, to view his flowers, and fruit-trees, he wore a cap carelessly placed on his head, his knees unbuttoned, and his stockings loose. He was inclined to corpulence from his youth, and finally became "more fat than bard becoms." Wit and sensibility entered largely in his character. Autumn was the chosen period for his studies, and midnight his favorite time for composition, when he would be often heard walking backwards and forwards in his library, humming over as he went, what he wrote and corrected the next day. In boyhood one of his great pleasures was to sit near the sources of the *Jed*, and watch the stars appear one by one, and the clouds gather, and the sudden storm sweep over the landscape.

When nursed by careless Solitude I lived,  
And sung of Nature with unceasing joy,  
Pleased have I wandered through your rough domain,  
Trode the pure virgin snows, myself as pure;  
Heard the winds roar and the big torrent burst!  
Or seen the deep-fermenting tempest brewed,  
In the grim evening sky.

His education was eminently pious, and

his fireside instruction had a great influence on his future life. His mother, a remarkable woman, had many social and domestic virtues, with great vivacity and warmth of temperament. Thomson's character was in every respect consistent, amiable, generous, humane, equable and affable. He was fond of poetry, music, gardening, books of voyages and travels, painting and sculpture, and formed a fine collection of prints and drawings. Those who were acquainted with him, never ceased to love him. He lived in a genial, elegant and simple way—fond of the country, the companionship of books, and intercourse with his friends. He was generous in the extreme. At a time when his means were far from being large, he settled sixteen pounds a year on his sisters Jean and Elizabeth, who had opened a milliner's shop in Edinburgh. He somewhere exclaims—

Lend me your song, ye nightingales ! oh pour  
The mazy-running soul of melody  
Into my varied verse.

He was too indolent to learn to play on any instrument, but he had an Æolian harp, the music of which seems to have pleased him greatly. He wrote an ode on it, from which the verses have been set to music, beginning—

Methinks I hear the full celestial choir.

And he mentions it again in the Castle of Indolence.

His death greatly affected his friends. *Collins*, his neighbor, forsook Richmond, to which he never returned, and gave utterance to his grief in exquisite and pathetic strains.

Remembrance oft shall haunt the shore,  
When Thames in summer wreaths is drest,  
And oft suspend the dashing oar,  
To bid his gentle spirit rest !  
\* \* \* \*

And see, the fairy valleys fade,  
Dun night has veiled the solemn view !  
Yet once again, dear parted shade,  
Meek Nature's child, again adieu !

*Armstrong* wrote, "This blow makes a hideous gape; and the loss of such an agreeable friend turns some of the sweetest scenes in England into something waste and desolate, at least for the time. It will be so for a long time with me, for I ques-

tion if ever I shall be able to see Richmond again without sorrow and mortification." "We have lost," says *Murdoch*, "our old, tried, amiable, open and honest-hearted Thomson, whom we never parted from but unwillingly, and never met but with fresh transport; in whom we found ever the same delightful companion, the same faithful depositor of our inmost thoughts, and the same sensible, sympathizing adviser." Are not these glorious tributes of love, respect and admiration? *Shenstone*, in his letters, has the following remarks: "Thomson was very facetious and very complaisant, and invited me to his house at Richmond. I was really as much shocked to hear of his death, as if I had known and loved him for a number of years." It is said that *Quin*, the actor, freed our poet from prison, but the report wants confirmation. A warm attachment existed between them. *Leigh Hunt* with much truth and discrimination observes, that

"Cowley and Thomson were alike in their persons, their dispositions, and their fortunes. They were both fat men, not handsome; very amiable and sociable; no enemies to a bottle; taking interest both in politics and retirement; passionately fond of external nature, of fields, woods, gardens, &c.; bachelors—in love, and disappointed; faulty in style, yet true poets in themselves, if not always best in their writings, that is to say, seeing everything in its poetical light; childlike in their ways; and, finally, they were both made easy in their circumstances by the party whom they served; both went to live at a little distance from London, and on the banks of the Thames; and both died of a cold and fever, originating in a careless exposure to the weather, not without more than a suspicion of previous 'jollification' with 'the Dean,' on Cowley's part, and great probability of a like vivacity on that of Thomson, who had been visiting his friends in London. Thomson could push the bottle like a regular bon-vivant: and Cowley's death is attributed to his having forgotten his proper bed, and slept in a field all night, in company with his reverend and jovial friend, *Sprat*. Johnson says that at Chertsey, the villagers talked of 'the drunken Dean.' But in one respect it may be alleged, Cowley and Thomson were different, and very different; for one was a Tory and the other a Whig. True, nominally, and by the accident of education, that is to say, Cowley was brought up on the Tory side, and Thomson on the Whig; and loving their fathers and mothers and friends, and each seeing his cause in its best possible light, they naturally adhered to it, and tried to make others think as well of it as they



did themselves. But the truth is that neither of them was Whig or Tory in the ordinary sense of the word. Cowley was no fonder of power in the understood Tory sense, than Thomson was of liberty in the restricted, unprospective sense of King William. Cowley was for the beau ideal of Toryism; that is, for order and restraint, as being the only safeguards of liberty; and Thomson was for a liberty and freedom of service, the eventual realization of which would have satisfied the most romantic of Radicals. See his poems throughout, especially the one entitled 'Liberty.' Cowley never *vulgarized* about Cromwell, as it was the fashion for his party to do. He thought him a bad man, it is true, but also a great man; he said nobler things about him than any royalist, except Andrew Marvel, (if the latter can be called a royalist;) and he was so free from a factious partiality, that in his comedy, the 'Cutter of Coleman Street,' which he intended as a satire on the Puritans, he could not help seeing such fair play to all parties, that the irritated Tories pronounced it a satire on themselves. There are doubtless many such Tories still as Cowley, owing to the same predisposing circumstances of education and turn of mind—men who only see the cause in its graceful and poetical light—whose admiration of power takes it for granted that the power will be well exercised, and whose loyalty is an indulgence of the disposition to personal attachment. But if education had given the sympathies of these men their natural tendency to expand, they would have been on the Anti-Tory side; just as many a pretended lover of liberty, (whom you may know by his arrogance, ill nature, or other want of sympathy,) has no business on the Whig or Radical side, but ought to proclaim himself what he is—a Tory. Had Thomson, in short, lived in Cowley's time and had a royalist to his father, the same affections that made him a Whig in the time of George II., would have made him just the sort of Tory that Cowley was during the Restoration; and had Cowley had a Whig for his father and lived in the little court of Frederick, Prince of Wales, he would have been just the same sort of Whig politician as Thomson; for it was rather personal than political friendship that procured Cowley his ease at last; and Frederick, Prince of Wales, was mean enough to take back the pension he had given Thomson, because his Highness had become offended with the poet's friend Lyttleton. Such is the completion of the remarkable likeness in character and fortunes between these two excellent men. Nor is the *spirit* of the similarity injured by the fault of the one as a writer, consisting in what are called *conceits*, and that of the other in turgidity; for neither of the faults touched the heart of the writers, while both originated in the very humility and simplicity of the men,

and in that disposition to admire others which is most dangerous to the most ingenious, though not to the greatest men. Cowley and Thomson both fancied their own natural language not great enough for their subjects; and Cowley, in the wit which he found in fashion, and Thomson in the Latin classics which were the favorites of the more sequestered world of his youth, thought he had found a style, which, while it endeared him to those whom he most regarded among the living, would, by the very help of their sanction, secure him with the ages to come."

Thomson was twice in love, first with a Miss Stanley, who died young, and upon whom he wrote an elegy:

"Tell me, thou soul of her I love," &c.

He also alludes to her in "Summer," in the passage commencing:

"And art thou, Stanley, of the sacred band?"

His second passion was a Miss Elizabeth Young, and they lived on in the hope that fortune would relent, and enable them to marry. She finally married Admiral Campbell. She was his Amanda. And Mrs. Jameson thinks that if she in the least answered the description of her in his "Spring," she must have been an amiable and lovely woman:

"And thou, Amanda, come, pride of my song," &c.

And if his attachment to her suggested that beautiful description of domestic happiness with which his Spring concludes—

"But happy they, the happiest of their kind," &c.

who would not grieve at the destiny which denied Thomson pleasures he could so eloquently describe, and so feelingly appreciate.

From D'Israeli we learn that Thomson met a reciprocal passion in his Amanda, while the full tenderness of his heart was ever wasting itself like waters in a desert. As we have been made little acquainted with this part of this history of the poet, I shall give his own description of those deep feelings from a manuscript letter written to Mallet.

"To turn my eyes a softer way, to you

know who—absence sighs it to me. What is my heart made of?—a soft system of low nerves, too sensible for my quiet—capable of being very happy or very unhappy. I am afraid the last will prevail. Lay your hand upon a kindred heart and despise me not. I know not what it is, but she dwells upon my thought in a mingled sentiment, which is the sweetest, the most intimately pleasing the soul can receive, and which I would wish never to want towards some dear object or another. To have always some secret, darling idea to which one can still have recourse amidst the noise and nonsense of the world, and which never fails to touch us in the most exquisite manner, is an art of happiness that fortune cannot deprive us of. This may be called romantic, but whatever the cause is, the effect is really felt. Pray, when you write, tell me when you saw her, and with the pure eye of a friend, when you see her again, whisper that I am her most humble servant."

Perhaps no work in any language has appeared in so many beautiful editions as Thomson's *Seasons*. Tilt and Bogue, and Longman, within a few years past, have published gorgeous editions of our poet, profusely illustrated, but by some strange oversight no likeness of Thomson appears in them. It was published in two volumes, folio, by Foulis in Glasgow in 1783; at Parma, in the luscious types of Bodoni, folio, 1794, (this is the finest printed volume I have ever seen,) and by Bensley, 1797, folio. Bensley's edition is ornamented with choice engravings. Aikman painted a portrait of Thomson, and J. Paton another in 1746, which was engraved by S. F. Ravenet.

Allan Cunningham truly says of the *Seasons*, they "give a tongue to inanimate nature, while it elevates and chastens the human heart." Professor Wilson writes, "It lies in many thousand cottages. We have ourselves seen it in the shepherd's shealing, and in the woodman's bower; small, yellow-leaved, tattered, mean, miserable, calf-skin bound, smoked, stinking copies—let us not fear to utter the word ugly, but true—yet perused, pored and pondered over by those humble dwellers by the winter ingle, or on the summer brae, perhaps with as enlightened—certainly with as imaginative, overmastering a delight as ever enchained the spirits of the high-born and highly taught, to their splendid copies lying on richly-carved tables, and bound in crimson silk or velvet,

in which the genius of painting strove to embody that of poetry, and the printer's art to lend its beauty to the very shape of the words in which the bard's immortal spirit was enshrined." Sir Egerton Brydges, in his autobiography, gives his meed of praise to our poet. "He who assists others to admire Nature, performs a work of moral merit. This admiration softens, enlarges and elevates the heart. No one can read Thomson's *Seasons* with pleasure, and not be the better for it."

Thomson was very fond of compound epithets; they occur on almost every page, as for instance, "gay-shifting," "deep-tangled," "balmy-breathing," "soon-clad," "world-rejoicing," "rosy-fingered," "tempest-winged," "blood-happy," "thick-nibbling," "wild-throbbing," "loose-floating," "manners-painting," &c. He is picturesque and minute in his descriptions; here is a picture in a hay-field:

Even stooping age is here, and infant hands  
Trail the long rake, or with the fragrant load  
O'ercharged, amid the *kind oppression* roll.

\* \* \* \*

All in a row  
Advancing broad, or wheeling round the field,  
They spread the *breathing harvest* to the sun.

In Autumn, describing the hare-hunt; speaking of the poor animal, he says:

She springs amazed, and all  
The *savage soul of game* is up at once.

And of the stag, in similar circumstances:

Gives *all his swift, aerial soul* to flight.

A herd of cattle take an alarm, from the attack of gad-flies:

Tossing the foam,  
They scorn the keeper's voice, and scour the  
plain,  
Through *all the bright severity of noon*.

The *Seasons* is eminently imbued with a religious feeling, and the beauty and order of the universe are invariably ascribed to the Giver of all good.

Let no presuming, impious railer tax  
Creative Wisdom, as if aught was formed  
In vain, or not for admirable ends.

There is no gloom, superstition, or big-

otry in the entire poem; all the various operations of Nature are looked upon but as the "varied God," and one of the most magnificent hymns ever written, comes in fittingly to close and crown the work.

Father of light and life! thou good Supreme!  
Oh teach me what is good! teach me thyself!  
Save me from folly, vanity and vice,  
From every low pursuit, and feed my soul  
With knowledge, conscious peace, and virtue  
pure;  
Sacred, substantial, never-fading bliss.

*Mitford*, in a note, in his edition of *Gray's* works, says, that the authority of *Dr. Johnson* has given currency to an opinion, that the *Seasons* of *Thomson* have not been much improved by the successive alterations of every fresh edition. He says that they lost that raciness which they first possessed. This opinion, I may venture to say, is by no means correct. They improved very much, and very rapidly in the course of the second and third editions; so much so, that I have often been struck in reading them, in different stages of their improvement. *Mr. Mitford* says, that he possesses an interleaved copy of the *Seasons*, (of the edition of 1736,) which belonged to *Thomson*, with his own alterations, and with numerous alterations and additions by *Pope*, in his own writing. Almost all the amendments made by *Pope* were adopted by *Thomson* in the last edition; and many lines in the *Seasons*, as they now stand, are *Pope's* own composition. The last four lines of *Palemon* and *Lavinia* are *Pope's* entirely.

The fields, the master, all, my fair, are thine!  
If to the various blessings which thy house  
(on me lavished,) has showered upon me, thou that bliss wilt add,  
(dearest) That sweetest bliss, the power of blessing thee!

The four lines which *Thomson* wrote, and which stood in the place of these, in the printed edition of 1736, were:

With harvest shining all the fields are thine;  
And, if my wishes may presume so far  
Their master too, who then indeed were blest  
To make the daughter of *Acaso* so.

VOL. III. NO. V. NEW SERIES.

In the same episode, *Thomson* has printed the following lines:

Thoughtless of beauty, she was Beauty's self,  
Recluse among the woods; if city-dames  
Will deign their faith: and thus she went, compelled

By strong necessity, with as serene  
And pleased a look as *Patience* e'er put on,  
To glean *Palemon's* fields.

These lines *Pope* erased, and wrote the following in their place, which now stand in the subsequent editions:

Thoughtless of beauty, she was Beauty's self,  
(deep-) Recluse among the close-embowering woods,  
As in the hollow breast of *Apennine*.  
Beneath the shelter of encircling hills,  
A myrtle rises far from human eyes,  
And breathes its balmy fragrance o'er the wild:  
So flourished, blooming, and unseen by all,  
The sweet *Lavinia*; till at length compelled  
By strong necessity's supreme command  
With smiling patience in her looks, she went  
To glean *Palemon's* fields.

The 259th line of this episode now stands—

And as he viewed her ardent o'er and o'er.

But in the edition of 1736 it is somewhat comically expressed—

Then blazed his smothered flame avowed and bold,  
And as he run ardent o'er and o'er, &c.

This however *Thomson* himself altered.

*Leigh Hunt* informs his readers, in the *London Journal*, that *Thomson* wrote part of his *Seasons* in the room over the shop of *Mr. Egerton*, bookseller, where he resided when he first came to London. He was at that time a raw Scotchman, gaping about town, getting his pocket picked, and obliged to wait upon great men with his poem of *Winter*. Luckily his admiration of freedom did not hinder him from acquiring the highest patronage. He obtained an easy place, which required no compromise with his principles, and passed the latter part of his life in a dwelling of his own at *Richmond*, writing in his garden, and listening to nightingales. He had the luck to have the occupation he was fond of, and no man, perhaps, in his



native country, with the exception of Shakspeare, has acquired a greater or more envied fame. His friends loved him, and his readers love his memory.

*Walton's and Cotton's Complete Angler* is a production unique in its kind, and which will never have an equal. A rural simplicity hovers over it, and quiet and contentment are the constant guests of the noble-hearted fishermen. The air of the fine fresh May morning on which the sportsmen met is balmy still; we see the honest ale-house with its cleanly room, lavender in the windows, and twenty ballads stuck about the wall, and the hostess neat, handsome and civil. We listen to the voice of Maud, the pretty milk-maid, who casts away all care, and sings like a nightingale; and we sit beneath the high honeysuckle hedge while the refreshing shower is quietly falling on the earth.

While flowing rivers yield a blameless sport,  
Shall live the name of Walton, sage benign!  
Whose pen the mysteries of rod and line  
Unfolding, did not fruitlessly exhort  
To reverend watching of each still report  
That Nature utters from her rural shrine,  
Meek, nobly versed in simple discipline—  
He found the longest summer day too short,  
To his loved pastime, given by sedgy Lee,  
Or down the tempting maze of Shawford  
brook—

Fairer than life itself, in this sweet book  
The cowslip-bank and shady willow tree;  
And the fresh meads—where flowed, from  
every nook  
Of his full bosom, gladsome piety.

WORDSWORTH.

Smith, in his "Theory of Moral Sentiments," a most excellent work, truly says, no benevolent man ever lost altogether the fruits of his benevolence. If he does not gather them always from the persons from whom he ought to have gathered them, he seldom fails to gather them, and with a tenfold increase, from other people. Kindness is the parent of kindness; and if to be beloved by our brethren be the great object of our ambition, the surest way of obtaining it is by our conduct to show that we really love them. Walton retained to the last an unworldly, stainless nature, and a love for country pastimes. He was blessed with a circle of choice friends,

whom Sir Henry Wotton styles "the living furniture of a place." His wife also added greatly to his enjoyments, for she was a woman of remarkable prudence and primitive piety. His book is full of geniality, and its great charm springs from its truthful character. His sole aim is to make the reader love what he loves, to fill his mind with generous feelings, to give him a taste for poetry, and the beauties of Nature, and imbue him with cheerfulness,

"Trouthe and honour, freedom and curtesie."  
CHAUCER.

The work closes with some wise advice, written in a language as sparkling as the thoughts are wise and beautiful. He had a great admiration for books and pictures, and a desk of them at Farnham Castle he left to his son. He must have relished music, judging from the impassioned tone where he exclaims, "He that at midnight, when the very laborer sleeps securely, should hear as I have done, the sweet descants, the natural rising and falling, the doubling and redoubling of the nightingale's voice, might well be lifted above earth, and say, Lord, what music hast thou provided for the saints in heaven, when thou affordest bad men such music upon earth!" Lamb, in a letter to Coleridge, prays him to make himself acquainted with Walton's *Complete Angler*, and goes on to observe it would sweeten a man's temper at any time to read it; it would Christianize every discordant, angry passion; and Hazlitt thought it was perhaps the best pastoral in the language, and that its romantic interest was equal to its simplicity, and arising out of it. Leigh Hunt writes, that the book of Izaak Walton, upon angling, is a delightful performance in some respects. It smells of the country air, and of the flowers in cottage windows. Its pictures of rural scenery, its simplicity, its snatches of old songs, are all good and refreshing; and his prodigious relish of a dressed fish would not be grudged him, if he had killed it a little more decently. He really seems to have a respect for a piece of salmon; to approach it, like the grace, with his hat off. Hunt thinks fishing a cruel amusement, but Walton defends its lawfulness on the ground of our Saviour's bidding St.



Peter cast his hook into the water and catch a fish, for money to pay tribute to Cæsar. But leaving this out of view, it is certain Walton's piscatory feats exercised no injurious effect upon his disposition; he was pious, "true piety is cheerful as the day," independent, sincere, affectionate, simple in his tastes and habits, refined and gentle in his manners; and he inculcated a philosophical spirit, which cannot be too zealously imitated, and truly enjoyed a happiness which he desired all to taste. Walton, in composing his book, says, "I have made myself a recreation of a recreation." "I write not to get money, but for pleasure. \* \* \* And however it proves to him, yet I am sure I have found a high content in the search and conference of what is here offered to the reader's view and censure. I wish him as much in the perusal of it."

John Major, a zealous and affectionate admirer of Walton, has edited several editions of the *Complete Angler*, the last one of which, published by Bogue, for the beauty of the illustrations by Absolon, and the engravings of Willmore, and the paper and type, make it one of the loveliest books ever issued from a British press. Pickering has also issued a gorgeous edition. Walton retired from business in 1643, and lived for forty years after in uninterrupted leisure, a rich harvest-time. The *Complete Angler* appeared in 1653, and four more editions were called for during Walton's life, namely, 1655, 1664, 1668, and 1676. Temperance and cheerfulness caused Walton's life to be a long one. In a letter to Charles Cotton, dated from London, April 29, 1676, he writes, "Though I be more than a hundred miles from you, and in the eighty-third year of my age, yet I will forget both, and next month begin a pilgrimage to beg your pardon." He wrote the life of Sanderson in his eighty-fifth year, and on the anniversary of his ninetieth birth-day he, in his will, declares himself to be of perfect memory. In the very year in which he died, (1683,) he prefixed a preface to a work edited by him, "*Thealma and Clearchus*, a pastoral history, in smooth and easy verse, written long since, by John Chalkhill, Esq., an acquaintance and friend of Edmund Spenser." His lives of Donne, Sanderson, Wotton, Hooker and Herbert,

are exquisitely written, simple, touching, impressive and sincere, with a flow of generous sentiment. This volume is a transcript of the author's mind.

There are no colors in the fairest sky  
So fair as these. The feather whence the pen  
Was shaped that traced the lives of these good  
men

Dropped from an angel's wing. With moist-  
ened eye

We read of faith and purest charity  
In statesman, priest and humble citizen :  
Oh, could we copy their mild virtues, then  
What joy to live, what blessedness to die !  
Methinks their very names shine still and  
bright,

Apart, like glowworms on a summer night;  
Or lonely tapers when from far they fling  
A guiding ray, or seen—like stars on high,  
Satellites burning in a lucid ring  
Around meek Walton's heavenly memory.

WORDSWORTH.

Walton tells some good stories of the amiable and accomplished Sir Henry Wotton, who was a great enemy to wrangling disputes of religion. "Having, at his being in Rome, made acquaintance with a pleasant priest, who invited him one evening to hear their vesper music at church; the priest seeing Sir Henry stand obscurely in a corner, sends to him by a boy of the choir this question, writ in a small piece of paper, 'Where was your religion to be found before Luther?' To which question Sir Henry presently underwrit, 'My religion was to be found then where yours is not to be found now, in the written Word of God.' The next vesper, Sir Henry went purposely to the same church, and sent one of the choir boys with this question to his honest, pleasant friend, the priest, 'Do you believe all those many thousands of poor Christians were damned, that were excommunicated, because the Pope and the Duke of Venice could not agree about their temporal power? even those poor Christians that knew not why they quarrelled? Speak your conscience.' To which he underwrit, in French, 'Mon-sieur, excusez-moi.' To one that asked him, 'Whether a papist may be saved?' he replied, '*You may be saved without knowing that. Look to yourself.*' To another, whose earnestness exceeded his knowledge, and was still railing against the Papists, he gave this advice, 'Pray,

sir, forbear till you have studied the points better; for the wise Italians have this proverb, 'He that understands amiss concludes worse;' and take heed of thinking the farther you go from the Church of Rome, the nearer you are to God.'"

Dr. Donne, beholding the vision of his dead wife in Paris; the interview between Edwin Sandys and George Cranmer, with Richard Hooker, whom they find tending sheep and reading the Odes of Horace; and George Herbert consoling the poor old woman at Bemerton—are described in our author's best manner. Walton's interview with Dr. Robert Sanderson, whom he meets in one of the streets of London, is exquisitely related. "The place of our meeting was near to Little Britain, where he had been to buy a book which he then had in his hand. We had no inclination to part presently, and therefore turned to stand in a corner, under a penthouse, for it began to rain; and immediately the wind rose, and the rain increased so much, that both became so inconvenient, as to force us into a cleanly house, where we had bread, cheese, ale, and a fire for our money." Walton then gives the interesting conversation that passed between them. A sweet and gracious picture might be painted of this scene.

Howitt, in his "*Visits to Remarkable Places*," observes—

"If we had quitted Winchester Cathedral without paying a visit to the grave of one of the best and most cheerful-hearted old men who lie in it, we should have committed a great fault. No; we stood on the stone of the floor of Prior Silkstede's chapel, in the old Norman south transept, which is inscribed with the name of *Izaak Walton*. There lies the prince of fishermen, who, when Milner wrote his history of this city, was so little thought of, that he is not once mentioned in the whole huge quarto. But the restored taste of these better times has reinstated the fine old fellow in his just niche of public regard. And if the whole kingdom had been sought for the most fitting spot of burial for him, none could have been found more fitting than this. Is it not in the neighborhood of that beautiful river, Ichen, whose water is so transparent, that it looks like condensed air, and in which his beloved trouts sail about as plain to the eye as the birds on the boughs that overhang it? Is it not by that sweet valley in which he delighted, and in that solemn minster that he loved, and by that

daughter whom he loved still more; and amid the haunts of those bishops and pious men whom he venerated, that the good old disciple, not only of Christ, but of Andrew and Peter, and of all sacred fishermen, lies? Peace and lasting honor to him! And great thanks should we owe him, had he never left us any other sentiment than that which he penned down when he heard the nightingale's singing as he sat angling—'Lord, what music hast thou provided for the saints in Heaven, when thou affordest bad men such music on earth!'"

*Cotton*, the friend and disciple of Walton, was one of the most accomplished men of the day, cheerful, witty, and beloved by all; but his carelessness kept him in constant pecuniary difficulties to the close of his life, and only the grave shielded him from the persecutions of bailiffs. His paternal property, at Ashbourne, in Derbyshire, descended to him much encumbered, and Cotton was not the man to lessen these encumbrances; even a fortunate marriage with the Countess Dowager of Ardglass, who had a jointure of £1500 a year, failed to relieve his necessities. This Ashbourne was a sweet spot; a transparent stream flowed about the house, which stood on a small peninsula; a bowling-green was close by, and lovely meadows and mountains enriched the neighborhood. Cotton was justly proud of the friendship felt for him by Walton. "My father Walton will be seen twice in no man's company he does not like; and likes none but such as he believes to be very honest men; which is one of the best arguments, or, at least, of the best testimonies I have, that I either am, or that he thinks me, one of those, seeing I have not yet found him weary of me." Cotton's translation of Montaigne's Essays is spirited, and with a few exceptions a faithful version "of one of the golden books of literature." In some "*Stanzas Irreguliers, to Mr. Izaak Walton*," we obtain an insight to Cotton's fondest wishes and pleasures.

Farewell, thou busy world, and may

We never meet again;

Here I can eat, and sleep, and pray,

And do more good in one short day,

Than he who his whole age out-wears

Upon the most conspicuous theatres,

Where naught but vanity and vice appears.

Good God ! how sweet are all things here !  
How beautiful the fields appear !

How cleanly do we feed and lie !  
Lord ! what good hours do we keep !  
How quietly we sleep !

What peace, what unanimity !  
How innocent from the lewd fashion,  
Is all our business, all our recreation !

Oh, how happy here's our leisure !  
Oh, how innocent our pleasure !  
O ye valleys ! O ye mountains !  
O ye groves, and crystal fountains !  
How I love, at liberty,  
By turns to come and visit ye !

Dear solitude, the soul's best friend,  
That man, acquainted with himself, dost make,  
And all his Maker's wonders to intend,  
With thee I here converse at will,  
And would be glad to do so still ;  
For it is thou alone that keep'st the soul awake.

How calm and quiet a delight  
Is it, alone,  
To read, and meditate, and write,  
By none offended, and offending none !  
To walk, ride, sit, or sleep at one's own ease,  
And pleasing a man's self, none other to dis-  
please !

\* \* \* \*

Lord ! would men let me alone,  
What an over-happy one  
Should I think myself to be ;  
Might I in this desert place  
(Which most men in discourse disgrace)  
Live but undisturbed and free !  
Here, in this despised recess,  
Would I, maugre winter's cold,  
And the summer's worst excess,  
Try to live out to sixty full years old ;  
And, all the while,  
Without an envious eye  
On any thriving under fortune's smile,  
Contented live, and then contented die.

William Shenstone, although he pos-  
sessed from nature a fine disposition, and  
was born to wealth sufficient for all rea-  
sonable purposes, appears not to have led  
a happy life. The Leasowes became a  
kind of hobby to him, but not a hobby of  
the right sort. He wanted others to ad-  
mire it, and was not satisfied unless the  
incense of praise was continually rising to  
gratify his senses. His neighbor, Little-  
ton, of Hagley Park, had more extensive  
grounds, and more money to spend in  
adorning them. This was not pleasant to  
Shenstone. His great misfortune was

being a bachelor, and to use his own  
phrase, "he glutted himself with the ex-  
tremity of solitude," which he would have  
avoided in a marriage with Miss Graves—  
Charlotte Graves, the Phillis of the Pas-  
toral Ballad, and sister to Graves who  
wrote the *Spiritual Quixote*. I believe he  
was restrained from entering into the en-  
gagement on pecuniary considerations—a  
poor excuse. He died unmarried. D'Is-  
raeli writes, "He, who is no husband,  
sighs for that tenderness which is at once  
bestowed and received ; and tears will  
start into the eyes of him, who in becoming  
a child among children, yet feels that he  
is no father. These deprivations have  
usually been the concealed causes of the  
querulous melancholy of the literary cha-  
racter." Such was the real occasion of  
Shenstone's unhappiness. In early life  
he had been captivated by a young lady,  
adapted to be both the muse and the  
wife of the poet, and their mutual sensi-  
bility lasted for some years. It lasted  
until she died. It was in parting from her  
that he first sketched his Pastoral Ballad.  
D'Israeli says that Shenstone "had the  
fortitude to refuse marriage. His spirit  
could not endure that she should partici-  
pate in that life of self-privations to which  
he was doomed ; but his heart was not  
locked up in the ice of celibacy, and his  
plaintive love-songs and elegies flowed  
from no fictitious source."

This is all fudge, for a small portion of  
the money that Shenstone was daily spend-  
ing in adorning the Leasowes would have  
supported a loving wife, and made two  
persons happy. He saw not how it was  
possible to possess improvable scenes and  
not wish to improve them ; but designs  
and improvements followed fast on one  
another, and caused him so much annoy-  
ance that the murmurs of his cascades  
were utterly lost to him. His discontent  
is visible in some of his letters ; in one of  
them he says : "Solitary life, limited  
circumstances, a phlegmatic habit, and  
disagreeable events, have given me a mel-  
ancholy turn, that is hardly dissipated by  
the most serene sky, but in a northeast  
wind is quite intolerable." On these occa-  
sions, however, he found the best cordial  
was to read over all the letters of his  
friends. He had a great fondness for toys,  
utensils, and viewed his watch, standish



furniture, and snuff-box, with a sort of tender regard. He loved to pass by crowds, and to catch distant views of the country as he walked along, but generally chose to sit where he could not see two yards before him; and says he never saw a town or city in a map, but he figured to himself how many agreeable persons it contained that he wished to be acquainted with. He compared the ease and freedom he enjoyed to an old shoe, where a certain degree of shabbiness is joined with the convenience. The Hebrew, Arabic, Syriac, Coptic, nor even the Chinese language, was not so difficult to him as the language of refusal. If he had had a fortune sufficiently large, he would have made himself a neighborhood, built a village and church, and peopled it with inhabitants of some branch of trade that was suitable to the country round. Then at suitable distances erect a number of convenient boxes, and amuse himself with giving them all the advantages they could receive from taste. These he would people with his chosen friends, assigning to each, annually, a sufficient sum for life. This should be irrevocable, in order to give them independency; the house to be of a more precarious tenure, that, in case of ingratitude, he might choose other inhabitants. This is somewhat plausible; and a good novel could be written on the inconveniences likely to arise from it. Shenstone was placable and kind-hearted, and thoroughly believed that not an insect should be destroyed, nor a dog quarrelled with, without a reason sufficient to vindicate one through all the courts of morality. He somewhere observes that it was a melancholy affair to travel late and fatigued, upon any ambitious project, on a winter's night, and see the lights in cottages, where all the unambitious people are warm and happy, and at rest in their beds. Shenstone, like all true lovers of books, wished two editions of a favorite author—one the simple text, published by a society of able hands; the other with the various readings and remarks of the ablest commentators. Shenstone's *Maxims and Essays on Men and Manners*, display exceeding acuteness, sound reflection, and knowledge of human nature, benevolence, and gentleness of disposition. The following are some specimens of them: "Be cautious not to con-

sider a person as your superior, merely because he is your superior in the point of assurance. This has often depressed the spirit of a person of desert and diffidence." "Think, when you are enraged at any one, what would probably become your sentiments, should he die during the dispute." "People say, do not regard what he says, now he is in liquor. Perhaps this is the only time he ought to be regarded." "I doubt whether it be not true, that we hate those faults most in others, which we are guilty of ourselves." "A liar begins with making falsehoods appear like truth, and ends with making truth itself appear like falsehood." "Fools are often found united in the closest intimacies, as the lightest kinds of wood are the most closely glued together." "It should seem that indolence itself would incline a person to be honest; as it requires infinitely greater pains and contrivance to be a knave." "Every single instance of a friend's insincerity increases our dependence on the efficacy of money. It makes one covet what produces an external respect, when one is disappointed of that which is internal and sincere. This, perhaps, with decaying passions, contributes to render age covetous." "A wife ought in reality to love her husband above all the world; but the preference, I think, should in point of politeness be concealed. The reason is, that it is disgusting to see an amiable woman monopolized; and it is easy, by proper management, to waive (all I contend for) the appearance." "There is none can baffle men of sense but fools, on whom they can make no impression." "A man has generally the good or ill qualities which he attributes to mankind." "There is nothing more universally commended than a fine day; the reason is, that people can commend it without envy." "I consider your very testy and quarrelsome people in the same light as I do a loaded gun, which may by accident go off and kill one." "It is a fine stroke of Cervantes, when Sancho, sick of his government, makes no answer to his comforters, but aims directly at his shoes and stockings." "Hope is a flatterer, but the most upright of all parasites, for he frequents the poor man's hut, as well as the palace of his superior." "The most reserved of men, that will not exchange two



syllables together in an English coffee-house, should they meet at Ispahan, would drink sherbet and eat a mess of rice together." "Bashfulness is more frequently connected with good sense, than we find assurance, on the other hand, is often the mere effect of downright stupidity." "A large, branching, aged oak, is perhaps the most venerable of all inanimate objects." "If national reflections are unjust, because there are good men in all nations, are not national wars upon much the same footing?" "The love of popularity seems little else than the love of being loved, and is only blamable when a person aims at the affections of a people, by means in appearance honest, but, in the end, pernicious and destructive." "The whole mystery of a courtly behavior seems included in the power of making general favors appear particular ones." "Spleen is often little else than obstructed perspiration." "The soul appears to me to discover herself most in the mouth and eyes; with the difference, that the mouth seems the more expressive of the temper, and the eye of the understanding." "When misfortunes happen to such as dissent from us in matters of religion, we call them judgments; when to those of our own sect, we call them trials; when to persons neither way distinguished, we are content to impute them to the settled course of things." "The making presents to a lady one addresses, is like throwing armor into an enemy's camp, with a resolution to recover it." "The best time to frame an answer to the letters of a friend, is the moment you receive them. Then the warmth of friendship, and the intelligence received, most forcibly coöperate." "A person is somewhat taller by holding up his head." "The world would be more happy, if persons gave up more time to an intercourse of friendship. But money engrosses all our deference; and we can scarce enjoy a social hour, because we think it unjustly stolen from the main business of our lives." "A sunshiny day,

a tavern supper after a play well acted, and now and then an invigorating breath of air in the Mall, never fail of producing a cheerful effect." "If I wish for a large fortune, it is rather for the sake of my friends than myself; or, to compromise the matter with those moralists who argue for the universality of self-interest, it is to gratify myself in the company and in the gratification of my friends."

The original portrait of Shenstone was the gift of a master to his servant; for on its back, written by the poet's own hand, is the following dedication: "This picture belongs to Mary Cutler, given her by her master, William Shenstone, January 1st, 1754, in acknowledgment of her native genius, her magnanimity, her tenderness, and her fidelity. W. S."

Much cannot be said in praise of Shenstone's poetry. The ballad of Jemmy Dawson has been highly admired and praised; but the *Schoolmistress* is a poem of undoubted excellence, and sufficient to render its author immortal. It is imbued with a humane and thoughtful sweetness. The birch tree still waves in the air, that worked the simple vassals mickle woe; not a stain has yet appeared on the old dame's cap, "far whiter than the driven snow;" her blue apron and russet gown have not faded, but have grown brighter and more lustrous with time; the herbs of grey renown that in her garden grew, the tufted basil, pun-provoking thyme, fresh baum and marygold of cheerful hue, and lavender, "whose spikes of azure bloom lurked amid the produce of her loom," and "crowned her 'kerchiefs clean with mickle rare perfume," still perfume the atmosphere, still glow with undying beauty. The picture of "the unmoney'd wight" eying the pears or cherries, "with thread so white in tempting posies ty'd," or "the plum all azure, and the nut all brown," pleasantly, and yet affectingly, bring to mind our own childhood, and the tempting fruit-stands.

G. F. D.

## THE REPUBLIC.

## NO. II.—GENERAL ASPECT OF THE GOVERNMENT, AND OF THE DIFFICULTIES THAT ATTENDED THE CONSTRUCTION OF IT.

THE merits of a political system depend upon the fitness of its ends, and the success of its arrangements for attaining them.

Its ends ought always to be popular; that is to say, they should embrace the liberty and welfare of the people at large, rather than of one or more classes of men in particular. So, at least, we judge in this country. The early State constitutions hold the doctrine in very strong language.

But to make a government the blessing it ought to be to a whole people, it is necessary, in framing it, to resolve the benevolence of its general scope into two specific aims—one, the present care of men's rights under it; the other, its own preservation, as material to their future safety. The latter, be it borne in mind, is by far the most difficult part of the business.

Antecedently to our national era, there were three forms of political organization, of which it was vulgarly supposed all human governments were either pure specimens or mixtures. Aristocracy and monarchy were two. But of these it is needless to say much, because their very ends were such as to unfit them for our use; being designed essentially for the benefit of a few, and not of the many. Such polities belong to privileged orders, of which we have none. They are wont to be administered for the peculiar advantage of those orders. It is of their nature to be so administered. And whatever the people at large get from them in the way of benefits, is rather accidental than proper to their main purpose; a kind of crumbs from the rich man's table.

But how as to the third or last variety of the classical forms? Democracy, it must be owned, is popular enough, both

in drift and composition. Why, then, did it not present itself to the patriarchal law-givers as the very thing they wanted?

There was a difficulty of another sort. Those sages knew something of history, something of human nature, something of circumstantial aptitudes and dependencies, in political affairs. Democracy, in the technical sense of the term, is incapable of successful application to the use of a great country like ours. The people cannot assemble to deliberate, in mass, upon public measures; nor would it be well to do so if they could. The people at large are not wise enough for this; they are not cool and dispassionate enough. Many of them are too dependent in condition, too low in character and standing, let me add, too poor in principle, to be safely intrusted with a voice in all State questions. The idea of doing everything by universal suffrage, and without the intervention of agencies, would be no better than a mad-house project in a land of such vast territories. It is not much better anywhere. That democracy *means well*, is nearly all the good you can say of it. And though you could say more, its career is seldom long enough to give a sure value to its attributes. In the very nature of things, as well as by the evidence of past ages, it is a kind of polity, well intentioned if you please, but frail in structure, fickle, changeable, uneasy in the working, and doomed, under all possible circumstances, to an early grave. It cannot be otherwise. There are no checks that can be relied on to curb such a government; no balance-wheels to regulate the waywardness of its action. What have you to take hold on for any manner of conservative purpose? No division of the sovereignty can take place. The men who administer the system are the very same persons who alone

are interested in the consequences. What appeal in such a case? What power anywhere to interfere? All concerned are on board the vehicle that is running away. And this vehicle is not a ship, with sails filled with one element while its rudder plays effectually in another; but a balloon, that has absolutely nothing to steer by, and which is therefore incapable of keeping to any course but that of the wind itself, that bloweth where it listeth.

How, then, were the constitutional fathers to act? Monarchy wouldn't answer their turn. Aristocracy wouldn't answer. These forms, if adopted, might last a long while, no doubt; but then, the longer the worse, from the obliquity of their main ultimate design. Democracy was indeed sufficiently popular in its bearing; could it only be kept steady in its action. This, however, was quite hopeless. It would require a community of angels to carry on such a government successfully for a great length of time.

The conclusion was, that neither democracy, aristocracy, nor monarchy would suit the occasions of the country; and it was therefore necessary to contrive a scheme materially different from them all.

Even mixtures wouldn't do; for schemes made up by taking part from one of the old forms and part from another would involve a conflict of aims and tendencies hard, if not impossible, to harmonize. A government was wanted that should seek, not only in part, but *altogether*, the popular, general welfare; and how could elements be drawn for this out of systems in which the people made no figure, but where kings and princes and hereditary nobles had the disposal of everything by right of blood?

To be sure, the English government is itself a mixture, and the fathers had their eyes upon it as such. They saw in it, besides monarchy and aristocracy, a third ingredient, commonly but untechnically termed democratic. Could such a union of parts, especially as between the popular branch and the two others, be perfect? Aristocracy and monarchy may find it politic to join hands, their ends not being wide apart; but one would think democracy, or anything in the spirit of it, not only ungenial to those politics, but antagonistic, having an end of its own that

is decidedly inconsistent with the exclusiveness of their pretensions. When privileged estates, whether royal or only noble in rank, are associated in a government system with the people or their representatives, there may be joint action for immediate purposes, but there cannot well be harmony of ulterior views, nor general sympathy of design; and it is odds but there will sometimes be open war in the political household, with more or less disturbance of the balance of power among its inmates.

As a whole, the English government is by no means what it once was, or what it was for centuries after the people came to have a share in it. During the Tudor dynasty, the prerogative was uppermost, and the House of Commons under foot. Then came a struggle of four reigns, and the political machine was righted again. Since that period, the Commons have gradually got the better both of the monarchical and aristocratic estates, and are now higher in the ascendant than ever. Well for the kingdom that it is so; well that in a system almost necessarily agitated by conflicting aims and policies, the people occupy, and are intrenched upon, the heights of the domestic battle-ground. But of the system itself what shall we say? What can we say but this?—God bless it to England! and this?—God save America from everything like it!

But suppose the popular part of the British constitution were taken for a nucleus, and the requisite complement of additions gathered around it on a corresponding plan, so as to give us an agency government *throughout*; how would that answer? The fathers could not but see that the House of Commons was an admirable contrivance, by itself considered. It was democratic in spirit; yet without the ignorance, the haste, the caprice, the turbulence, the instability of governments technically so called. Why might not this suggest the capital thought of a *fourth form* of political organization, distinct and equidistantly remote from all the other three? Such a form would be likely to work harmoniously in its various branches, and to keep the State at peace with itself. It would secure unity of design at home, and probably a due measure of respect abroad. Above all, by partitioning the

sovereignty between public agents and their principals—the people—an invaluable resource might be found in the electoral part for setting up a system of conservative oversight to guard the walks of administrative power, and thus, if such a thing can be, to perpetuate the career of liberty, by institutions safe from the contagion of democratic disease, while yet as truly free and popular as democracy itself could make them.

The capital thought here mentioned did arise in those pure minds that had the framing of our polity, and they acted upon it; establishing a government (the States were all fashioned on one model) that had no monarchy, no aristocracy, no democracy, in its composition; not a particle of either. Semblances may be traced, just as you may find human profiles in the clouds. The offices of Governor and President, for instance, may be said to wear a *semblance* of monarchy. The Senates of the different Legislatures savor faintly of aristocratic ideas; and there is an infusion of something easily mistaken for democratic liqueur throughout the whole contents of the political caldron. It has often been predicted that our system would develop into a one-man government. But I believe the prevailing sentiment is now that, in a vague sense of terms, we are already a democracy. Foreign writers so speak of us. De Tocqueville seems everywhere to take it for granted; and Lord Brougham not only states the fact to be so, but applies to our democracy the very epithet by which it is usual to distinguish the technical form of government known by that name.\* This, however, is loose writing. The truth is otherwise. The fathers of the country never dreamed of such a thing; and though we are not at present just what they meant us to be, we are still no democrats in the form and theory of our system. At the polls, no doubt, and in the newspapers, an unscrupulous man will say anything to gain his purpose. In this way, democracy has become a word of cant among our own citizens; and so would diabolism, if the people loved to hear it. I am for all the just freedom of the country, but I will never hoist a false flag to please anybody.

I love the people, possibly, as much as some who bend lower at their shrine; but I have my own way of showing it, and decline to be a conniving spectator of the inroads that are making on the inheritance their glorious ancestors have left them. To call the government a democracy, is either to mistake or to slander it. To call the people democrats, or to profess, with fawning cant, to be democrats at their service, is to make them objects either of insult or cajolery. The truth appears to be, that to a very great extent the popular origin, bearing, and working of our institutions has involved men's minds in a confusion of ideas as to the name and character of the economy they belong to. And as misapprehension here is mischievous, drawing practice after it, perverting the views of our too frequent constitutional conventions, and so putting everything at hazard; the cloud must, if God permit, be dissipated, and the clear, benignant sky of the country's morning brought back.

What, then, you will ask, is that fourth form of government, that new-invented form, so different from all others?

It is, as I have phrased it before, an *agency government throughout*, and technically a *republic*. Its peculiarity lies mainly in this, that the sovereignty being divided, public measures are all taken by means of delegated power; while the people, or a very large proportion of them, are the appointed *visitors* of these agency proceedings, and hold the residue of the sovereignty for that purpose; employing it at discretion on the *men* of the government, as terms of office expire, but standing quite aloof from its *acts*; content with a supremacy over these by *influence only*, through public opinion and the ballot-box.

And if this be not a peculiar form of government, unknown to the ancients, unmixed with any that they knew, I have entirely mistaken its character. It *works entirely by agencies*. It has no monarch, no privileged orders, no legislative popular assemblies. It does nothing as the old forms do, and almost everything in a way to them impossible. Agents, and popular agents are no new discovery; but they were never thus combined before in a complete government mechanism. Steam and steam-engines were abundantly common before Fulton was born, and lakes and

\* Pol. Phil. ii, 4.



rivers were alive with water-craft, but there had been no combination like the one he made; and here his merit lay—he was a true inventor. The hint that gave birth to our scheme of government may have been derived originally from the lower house of the British Parliament. Nothing more likely. There was popular agency in that body from very early times, and with it representative government (which is more) upon a partial scale. But the first use made of that hint, on our side of the water, was in the colonial period of the country. It was then tried, and tried again; tried everywhere throughout the colonies, and the result was, that it answered well. The colonists were all agreed about it. They could think of nothing better; and they carried the principle as far as their circumstances allowed. Provincial governors could not be popularly chosen: there was a royal master in the way. For the rest, however, the people governed themselves by their own agents; that is, by delegated power. And when at length all shackles were broken and all barriers removed, the patriots of a freer, happier day went farther, and constructed their whole edifice in the agency style, giving us a government “every inch” a republic—a thing the stars had never looked down upon before.

Yes, a republic! Should not this new and beautiful creation have a name?

True, every form of government that looks broadly to the general good, as its constitutional object, is etymologically, and in vulgar parlance too, republican. I say, its *constitutional* object. Popularity of mere administration is not enough. We could not call a monarchy or pure aristocracy republican, even in an untechnical sense, though ever so liberal and catholic in its present tone of operation; and the reason is, it is not of the *nature* of such governments to operate thus; nor would it do to ascribe to *them* what arises only from the accidental temper, character, or policy of those in charge of them for the time being.

Speaking *descriptively*, apart from technical ideas, *democracy* is called a republican polity; being altogether popular, and making use of the general will to attain that will's own ends. It is indeed a bubble. Bubble-like, however, it has a witch-

ery of coloring about it, that all eyes are taken with. A popular bubble! blown up, and then blown about, by the people, just to please themselves—the wide welkin ringing with their acclamations, as it sails along. Essentially, a popular gewgaw, from first to last! No favored classes, no favored individuals, save the demagogue of the hour. It is, in short, the toy, the plaything of the commonwealth. And as no mildness or beneficence of administration can entitle one of the governments “made for Cæsar” to be termed a republic, neither is a democracy to be refused this name, in common speech, because unfitted to make good in practice the promise of its import.

But, after all, the word *republic* is, in technical strictness, applicable only to a kind of polity, in which the people govern themselves *by representative agents*. And why not?

In the first place, such a polity needs a technical name; for it is widely different from the old forms, and is too much spoken of withal, to admit of being tumbled about in endless circumlocution.

Secondly, the vulgar meaning of the word *republican* is no obstacle to this appropriation of it, in a strict sense, any more than the vulgar meaning of the word *democracy* vitiates the use of that word, as a term of art, to designate a polity in which the people govern themselves *without* representative agents.

And finally, the fathers have settled the business for us; our peculiar institutions being what they chose to call a republic, emphatically and exclusively such, in technical language, whether we like it or not. And for this fact I refer generally to the mass of our political literature of the first age. The reader will see for himself.

As, however, we have so-called *democrats* among us, and not a few of them, it may be well to specify, for their particular behoof, a writer or two whom they profess to regard as a kind of ancestors in their own political genealogy, and whose statements they are themselves likely to hold in due respect.

I begin with Mr. Jefferson, the hero of “a second revolution.” Look at his works, and see if he professed to be a democrat. *Republic, republican, republicanism*, are the burden-terms of his style. He never thinks of democracy. The word, if I re-

member right, (some years have come and gone since I perused the four volumes of his published "writings,") has scarce a place in his vocabulary. "The constitution," says this gentleman, "was meant to be *republican*, and we believe it to be republican, according to every candid interpretation."\* This was written in 1800, the great year of his life. And, what is not a little singular, he seems to have thought the actual state of the government, as it came to his hands from those of Washington and Adams, to be not quite popular enough for its republican pretensions; for he adds, immediately, "we have seen it so interpreted," (not administered merely, but *interpreted*,) "as to be truly what the French have called it"—and what is that, do you think? a democracy? Oh, no! his pendulum is in the other extremity of its arc; the monster those French fingers are pointing at is "*monarchie masqué*," monarchy in a mask!†

I am not responsible for the philosopher-president's wisdom or sagacity; nor am I going to contend for the precision of his ideas as to what essentially constitutes a republic. His definition, I am ashamed to say, is this: "A government by the citizens in mass, *acting directly and personally*, according to rules established by the majority."‡ A definition, at first blush, of pure democracy! But a moment's reflection brings relief. His meaning is not all expressed. Consider his subject in general: it is the constitution of the country in its actual state; and he is writing about it in a letter of friendship, with nothing to put him upon studied accuracy of phrase. There is, therefore, an ellipsis. Ours is truly "a government by the citizens in mass," (the electoral portion of them,) "*acting directly and personally*"—but upon what? Is it *men* or *measures* that the people act upon? Certainly not *measures*. At his day, especially, the direct action of the people was upon *men only*. It was *electoral* action. So that if he was supposed to mean, that the government of a republic like ours is *administered* "*directly and personally*" by the people, instead of being merely kept in a state of sound organization by them, for that pur-

pose, the definition would be plainly false, in matter of fact, and contrary to his own knowledge of the truth; a thing, of course, not to be thought of. Let us be reasonable. It is as easy to supply the ellipsis by inserting the word *men*, as by inserting that of *measures*, after what is said of the direct personal action of the people. And so the enigma is cleared up.

At all events, Mr. Madison, another idol of democratic veneration, and, as I think, a much clearer-headed politician, has told us, in a formal treatise on the subject, that a republic is "a government in which *the scheme of representation* takes place." In other words, an agency government; a government by delegated power.

And what entitles Mr. Madison's language to more particular attention is this, that he is running, in the place where they occur, a deliberate contrast between republican and democratic institutions. In the *latter*, he says: "the citizens assemble and administer the government in person;"\* a mode of business which he looks upon as bad in the extreme, because "admitting of no cure for the mischiefs of faction." Such, at least, is one of his reasons. And he presses the discrimination of the one polity from the other as alike marked in theory and momentous in practice; summing up the matter, however, in a formal statement, not very logically constructed: "The two great points of difference," he says, "between democracy and a republic are, first, *the delegation of the government, in the latter, to a small number of citizens elected by the rest*; and secondly, the greater number of citizens, and greater sphere of country over which the latter may be extended."† This concluding passage, though true and important, is inaccurately associated with the other which precedes it, being circumstantial only; but the point respecting agencies and delegated power is one of substance, and goes home. It is the grand distinction in the case; giving us, on one hand, a scheme of things that acknowledges some men wiser, abler, honester than others, and confides in them accordingly; while, on the democratic side of the question, we have a jealous, churlish polity, that trusts nobody, respects nobody, and delegates nothing; but insists the

\* Jefferson's Writings, iii, 443.

† Ibid.

‡ Ibid. iv, 275.

\* Federalist, No. 10.

† Ib.

people at large shall do their own work, and huddles them confusedly together for the purpose, making every man, without regard to talents or qualities, a governor in chief for the whole!

In the 39th "Federalist," the subject is resumed and further prosecuted, the writer there insisting strongly on the vitality of the question whether the constitution of the general government is truly of the nature he has previously ascribed to it; and using this unqualified language, "that if the plan of the convention" (meaning that constitution) "shall be found to depart from the *republican character*," (as above explained,) "*its advocates must abandon it as indefensible*."

Here, then, we have the very highest authority (not only Madison, but his contemporaries, Jay and Hamilton; not only the men, but their immortal work, which has been, from that day to this, in universal credit as our best political text-book,) for two pregnant propositions: one, that our system is *republican*, *as contradistinguished from democracy*; the other, that its whole value depends upon *the certainty and precision of this truth*.

But here another topic of inquiry naturally starts into view. How was it known, how could it be known, by the first founders of our system, that a pure republic was so much better than a pure democracy, the experiment having never yet been fairly tried? They had seen republican institutions mixed up with others of a different nature, but they had never seen them used for the entire fabric of a government. Perhaps some of those other ingredients might be necessary, in the long run. Who could tell? Democracy was indeed sufficiently understood. It was notoriously a factious, fickle, mutable, short-lived thing; a thing to be eschewed, at all events. The *hope* was, that a republic would work better and wear longer. But who could tell with certainty beforehand? Might not a republic have its own infirmities—if not as threatening, yet as surely mortal in the end, as those of its elder sister? Or, supposing remedies possible, how were the dangers of the case to be foreseen?—how guarded against?

Let us pause a little here for reflection. By glancing at some of the difficulties with which the fathers had to struggle, we

shall be the more able to comprehend the policy and appreciate the wisdom of their doings.

As already intimated, republican and democratic governments are of one character in the popularity of their ends and general scope. Both forms are alike free, for in both the people govern themselves. It is only in their working frame and apparatus, their plans for compassing their ends, that each can be said to have a character of its own, in which the other does not participate.

But here the difference between them is world-wide. For, while pure democracy is the very simplest of governments, despotism alone excepted; a republic, from the fact that it does everything by agencies and trusts, is one of infinite complication.

And what follows? Why, that a republic is just the kind of government where most depends on *structural contrivance*. Checks, balances, braces are necessary; a nice adjustment of machinery, part to part; and a discreet accommodation of the whole system to the actual elements of society, such as it happens to be; or at least, to the principal classes of those elements. It must be so. The greater the number and variety of ingredients, the more urgent the need of a skillful and workmanlike putting together. Moral influences are to be anticipated; moral causes foreseen and counterbalanced. Every organic weakness must be searched out in advance; a guard must be set upon every point of probable exposure; the force of every dangerous tendency must be measured and neutralized before events develop its existence. Can all this be done?

Let us not balk the truth; *free governments are prone to change*; nor can it be denied, *to change for the worse*. What a whole people have once acted on as sovereign lawgivers, (common law institutions fare better,) they seldom find in their hearts to let alone afterwards. And what they are forever dabbling at, they commonly spoil in the end.

It is notorious that strong governments suffer less from innovation. Why? Because they have already undergone the worsening process to a degree that defies it? or have been too bad from the beginning to admit of danger on that score?



In sober earnest, the selfishness of such governments takes care of their conservation. Tyrants rule for themselves; and they are the keepers of the systems that uphold their sway. When, therefore, they have got these systems moulded to their wishes, they are too wise to alter them, or allow them to be altered. And it is because freedom is a principle of activity, progress, change, that tyrants hate freedom and free institutions. This is the secret of their aversion to all popular movements.

No doubt the people have often much enjoyment, both of civil and political rights, under strong governments. A bad system may be so administered as to give the masses of the governed nearly all they can desire for a season. There have been instances of this. Yet freedom is none of the attributes of such a system, for want of a popular principle in it to secure a continuance of right management. Without a principle of this kind in the frame of the government, the people can neither be said to govern themselves, nor even to have any certain hold upon the future indulgence of their masters.

In a mixed government like England, where the people have a regular share of control in public affairs, it is not by mere accident that their rights are cared for and their interests cherished. They have a guaranty for this; a free element in the constitution. And one is almost ready to rank such a government in the free class, from the predominance of freedom in its working character, as well as in its effects. But after all, it would be a mistake to do so. That government has not always worked as it does now. And notwithstanding the present lead of the Commons in the administration of it, we may not overlook the constitutional fact that it is still a government in part by *prerogative*, and has an *irresponsible peerage* in its structure, and a *state-church*. To be free, in round terms, a system must be popular throughout; every department of power characterized by one common relation of dependence, service, responsibility, to the whole country.

Whether England has not freedom enough in her composition to leave the great point of *stability* uncompromised, is another and far graver question. The

crown and peerage certainly hold the Commons much in check even at this day, and exert thus a conservative influence against the tendency of popular power to some well-known species of abuse. And if the comparison lay between such a government, just as it is, and pure democracy, a choice were easily made. Liberty itself, if time be anything, is larger and better in the mixed monarchy. A pound of liberty in fee is worth twice the quantity at will or upon sufferance.

Alas, for democracy! It is a rich and glorious conception, but a poor reality—a thing not suited to this fallen world. It asks too much of us. It requires that a whole people, or at least the majority, shall be always virtuous, and wise, and thoughtful, and dispassionate, and vigilant, and far-sighted. What a demand! and this, under pain of speedy death to their institutions if they fall materially short of the mark! "The spirits of the just made perfect" would perhaps be equal to the task of carrying on such a government; but no less gifted community can hope to do it for a length of time. I say it sorrowing, there is not a people under heaven that could be expected to maintain a pure democracy for fifty years together, uncorrupted, unchanged. It never was, and never will be done.

Our republican institutions have been resorted to by way of escape from that desperate dilemma. It is well if we can govern ourselves permanently by delegated power, that is, by the use of agents. This is now the problem. Let us look to it.

The great feature of a republican economy is this, that it divides the sovereign power into two parts, of which one is delegated to public agents for the purposes of ordinary government, and the other distributed more or less extensively among the people as a sovereignty of electoral oversight and conservation. The arrangement is peculiar. There is nothing like it elsewhere. In monarchical and aristocratic governments, so far as they are purely such, the men who rule are deemed proprietors of everything, and especially of the power they wield. Nor is this power regarded as a detached portion from a large stock; it is full and complete sovereignty. And they personify it; they are sovereigns; claiming allegiance from



all around, and owing it professedly to none. In like manner, where the people attend personally to their government affairs, the sovereignty is kept together in a mass; there is no partition of it, because no agency-corps to be invested with a part.

Now this great feature of our system must be thoroughly attended to in all its bearings. We suppose there are advantages in it. May there not be disadvantages in it? Few things are good without abatement or mixture. May there not be evil tendencies and hazards as peculiar to republican polity as are some of its undoubted advantages?

Observe the state of facts resulting from the very frame of such a polity. It clothes public men with *half the sovereignty* of the nation (so to speak) on one hand; while on the other, the electors, as such, hold the *remaining half*; neither party to the division having the *whole* power, but each a *moiety only*.

And imagine the consequence. Is it likely that a man intrusted with a limited political authority (the most tempting of earthly things) will not instinctively yearn for more?—will not endeavor to enlarge his stock as opportunity offers? His principles may restrain him if he be an honest man. His character may also help to hold him back. But the tendency of his corrupt nature will and must be to grasp—grasp—grasp. The thing is inevitable.

Try it on the side of *the officer*. He has power, but the modicum is not sufficient. It leaves him still a deputy, a servant. There is a controlling power behind him. Can he be satisfied with the subordination, that cries fie! continually to his "pride of place?"

For a time, it is probable, the electors will keep an eye upon his movements, provided they are of a grade to do so intelligently. But long vigils lead to weariness and slumber. And if the people find that all is seemingly well for the time being; that to-day is as yesterday, and the flow of things unbroken; they will be likely to relax their vigilance, and suffer their minds to be insensibly drawn off into channels of private interests, to the neglect of their political duties. Then comes the day of ambitious enterprise for the functionary. Will he let it pass without improvement?

Office is indeed a name for *duty*, and implies a trust. But it is power too, and money, and distinction; and this under limits that are sure to whet the appetite for an increase of these dainties. And when the office-holder feels himself secure, and can have everything his own way, what are we to expect? What does history, observation, philosophy, warrant us in expecting? Men's integrity fails when hard-pressed by opportunity. Indeed their very judgment is apt to play truant under that temptation, and they often do wrong without conscious guilt. A tale which the teller of it knows to be false, will yet lull his own mind into credence by continual and applauded repetition. Long possession of land by another than the true owner will ripen, under the sun of selfishness, into a claim of property. Scarcely can a free servant grow old in his master's house, (the windows being closed against inspection from without,) but he is in danger of being turned into a slave—and then a chattel. Might begets right (that is, a conviction or presumption of right) in almost every one's conception. A man on horseback is a more considerable man in his own eyes than he was before he mounted; and he is capable of a rudeness towards foot-travellers that he would not venture upon as one of them. Even a pedestrian, with a stick in his hand, carries his head higher, and is less cautious whom he jostles, than if supported by his legs alone. Such is human frailty. And when we see it thus displayed in private life, and by persons not intentionally wicked or brutal, it is fearful to think of its possible developments in other circumstances, where easy principles are planted in the hotbeds of political forcing-houses, and left to all the excitements of the sun and soil, unpruned, untrained, unwatched, from year to year.

In short, let public men alone, and *trust* and *duty*, as connected with their stations, will soon turn to "airy nothings" in the minds of many; while *power*, sole survivor of the family of official ideas, will grow big and burly, as if it had eaten up the others, which indeed is likely to be true without a very violent metaphor.

But then it may be said *short terms* and *frequent elections* give us a remedy for all this. Do they indeed? And can they

be certainly relied on for the purpose? Will they extinguish the thirst of half-power for the whole? Will they root out the self-aggrandizing instinct of a place-man's nature.

True, they are good and necessary things, and calculated to have very important conservative effects, provided the *precise medium* could be found between terms of office too long and too short; between elections too frequent, and too few and far between? Has such a medium been arrived at? When—where—if at all? The fathers thought one thing, their descendants think another; who is right? The probable aggregate of all sorts of official terms now is less than half its original magnitude; though some of the States maintained their position nearly as at first in this respect.

Let us take the general case as it stands. Are the enticements of power neutralized by the necessity public men are now very generally under, of going back *yearly* to the polls to get their commissions renewed? It would be nearer the truth to say, that this necessity *only changes the direction* of men's efforts in pursuit of their political objects, while the objects themselves remain as they were, with attractions not sufficiently diminished to let go one votary in twenty of the captivated throng. The office-holder, now unable to give up his idol, and compelled at such short intervals to go back to the people for leave to retain it, becomes a general suitor at their doors, spends his time in saying pleasant things to them; calls them whatever names he thinks they love to hear, be it democrats, be it gods upon earth. In a word, he plays the *demagogue*. This is his line of action, his *modus operandi* for securing the very ends of his ambition; especially in those parts of the country where the electoral will is forever grinding, and the true sentiment of respect and veneration for the dignity of office, consequently, at a low ebb; so that instead of correcting entirely what is evil in the tendencies of the agency system, the expedient of over-frequent elections, while doing some good, doubtless in the way intended, has incidentally contributed to stir up a prodigious amount of cajolery and misguidance in the prevailing treatment of the popular mind.

At any rate, the point was a delicate

one for settlement in the first instance. Whether the fathers or we have acted upon it with the greater wisdom, is not the present question. That it was a delicate and trying point to them in their circumstances, may be well affirmed. Indeed, the whole subject of the administrative sovereignty was full of difficulties.

On the other hand, the electoral sovereignty itself was not an easy matter to dispose of. There, too, was power, under the provoking stimulus of *felt incompleteness*. Add to this, it was power in *retirement*; shut out from the bustle and display of public life—another disquieting circumstance. And though the reins of empire would in fact be held by the electors, their supremacy could have no visible triumphs, nor make the kind of figure to put the vainglorious passions of men at ease. Was there no danger of discontent on this score? And might not the goadings of such motives push the electors to an *over-reaching* policy as regards the agents they were to be instrumental in advancing to public stations? Was it not to be apprehended they might gradually trench upon the authority or liberty of these agents, and so plunge the commonwealth, sooner or later, into a modified democracy; subjecting not only men, but *measures*, to immediate popular dictation?

And then imagine the influence of a race of demagogues—men in office, wishing to keep their places, and men out of office striving to get in—imagine their influence brought to bear upon feeling already excited and misdirected in the public mind. What temptation on the part of candidates to sell or pawn the freedom of their future conduct in office for the patronage that has office to bestow. Will these mercenaries shrink from such a trade? Will the people shrink from putting the seeming gains of it into their pockets? It will indeed be losses and not gains in the end; no doubt of that; but will they see it so beforehand? or seeing, will they have the magnanimity, the good sense, the wisdom, to forego a present gratification for the sake of a greater good at some distance of time?

Assuredly, the case for which the fathers had to legislate, was of a nature to put all their prudence in requisition. The framing of democracies, and aristocracies,

and monarchies, would have been child's play in comparison with their task.

See what they had to do.

In the first place, there was wanting a vast agency mechanism for ends of ordinary government.

And things must be so managed as to bring into the service of the country a variety of personal qualities and talents. There must be men for making laws, men for seeing laws executed, men for judging in detail of common justice between party and party, men for all sorts of ministerial labor in aid of the more prominent functions of political life. In some of these walks of duty, great abilities were necessary, in some, professional skill; a measure of undoubted character for principles, in all.

How was the selection to be made. That was one point of difficulty. To some extent, the people might be supposed competent to choose their own agents. This was eminently true in reference to the legislative and chief executive functions; involving services, which though of vast importance, were not of a kind to call for much technical knowledge or specific preparation, so that the leading business of the government, and that upon which all else depended more or less, might be safely organized in the way the general liberty required, namely, by votes sufficiently numerous to express the popular sentiment of the country. Had it not been so, the republican scheme must have altogether failed as impracticable. But legislation was no mystery of art, and the people could not well be mistaken in the kind of evidence by which the fitness of a legislative agent should be indicated. High standing for integrity, good sense and acquirements, with some experience in affairs, was all they wanted. So also, the executive function (apart from its judicial subdivision) could be judged of in a general way by everybody. And these are the parts of the system where it was especially momentous that the people should be as closely and sensibly present as possible. But in descending from hence to other branches of the public service, such as the courts, particular bureaus, &c., the case became harder for the common mind to manage. It was not enough that candidates for such places were well reported of. There was to be a special adaptation of the men

to the offices, a fitness of artificial skill, concerning which the multitude were scarce capable of forming an intelligent opinion. It would, therefore, be safer as to stations of that sort, to entrust the appointing power with persons of eminence in the government, who from their position might be expected to exert it more cautiously and discreetly than the people could. And fortunately, there was nothing in the economy of the public liberty that was likely to take harm from such an arrangement.

Still, beyond the question how far it was best to organize the public service by popular vote, how far by substituted agencies, (no inconsiderable question by itself,) ulterior matters were to be attended to. There was danger of bad men's coming into office through ignorance or incaution on the people's part, or by the arts of deceivers; and there was danger of men's becoming bad under the perverting influence of office, after their elevation to it. How were evils like these to be guarded against?

One expedient was that of dividing public power into several parts, called jurisdictions, and setting these in counterpoise against each other. Hence the well-known legislative, executive, and judicial departments of government, each under separate charge, and fenced, as far as practicable, against encroachment from the rest. The early constitutions lay great stress upon this.

Another expedient was the territorial division of the country into states, counties, and townships; or rather the making use of these divisions (they existed already) to distribute the dispatch of public business over a wide surface, and so to prevent a plethora of the central system, and keep down the fever of the head by drawing off as much as possible of the elements of active power into the extremities.

Other securities of a personal nature were added to these; such as age, residence, property, religion, and the like; required partly in candidates for office, partly in electors, more or less in both. Nor does it need much knowledge of human history to determine that all the guards and cautions which the case admitted of, were not likely to be more than enough.



But, in the second place, *the sovereignty of the polls* was also to be looked after.

And here the first inquiry would naturally be directed to the proper vesting of this all-important power. Who should have it? From whom should it be withheld? For observe, it belonged of right to nobody, save as the constitution should give it, being a mere functionary power, to be held, not for the special emolument of individuals, but in trust for the commonwealth. Who, then, in matter of safety and prudence, should have it, and who not?

Women and children were of course out of the question. It is incompatible with female delicacy to join the scramble of an electoral contest. And as for children, they could not understand the thing at all; their votes would be no better than a lottery. So that two-thirds, three-fifths of the entire community, are thus set aside at once.

Would it do to clothe fresh-landed aliens with a suffrage of this kind? How much better than children could they understand the use of it? Or what stake have they in the country that could be supposed to give them a proper sense of concern in the consequences?

Finally, are there not native citizens in abundance to whom such a franchise cannot be prudently confided?—men without virtue, without intelligence, without property, without patriotic attachment, without anything to bind them to the country, or fit them for a voice in its affairs?

It is difficult, you will say, to apply tests. It is, indeed. But it is harder still to preserve free institutions without them. Our antipathy to tests is apt to become morbid. In some forms they are odious things, but in some they are necessary. So, at least, the fathers thought; nor has their judgment in the matter fallen yet into quite universal disrepute.

I conclude, in the third place, with one suggestion more.

The fathers had to suit their measures to the *social and civil elements* of the land they were providing for.

What were those elements? Different classes of men, distinguished from each other, not in rank or privilege, but in education, refinement property, habits, and pursuits. Was there not something due

to such peculiarities?—to each and every of them in particular? Would it do to frame the government with a view to the rich only, or the educated and refined? Would it do to frame it in utter neglect of these portions of the general mass of citizens, as if their existence were unknown. Government is moral power in the hands of a few over the many. The balance of physical force is with the governed. Supposing, then, the people to be free, the political system must in prudence be so fashioned as to please them, lest their physical force should not be quiet under it. And how, as a whole, are they to be pleased and satisfied, unless their prominent diversities of character, business, and condition, are all taken into view, and made something of in the economy of the constitution?

Let us illustrate in the article of wealth or property. Some men are very rich, some poor, and some in middle circumstances. Would it be wise to take no note of this in framing a government for all? Would it be safe? Suppose numbers disregarded, and wealth made a test of admissibility to every kind of office whatsoever; is it likely the poor and middle orders of society would be satisfied? Or if property were disregarded, on the other hand, and not only the right of suffrage, but office too, in all its grades and forms, thrown indiscriminately to the multitude, would this be satisfactory to the more opulent classes? There might, in one case or the other, be no sudden outbreak of impatience, but there would certainly be a leaven of discontent in the body politic, calculated to put it in a ferment by and by.

All this should be avoided; and with reasonable care it may be. What is easier than to make some offices accessible to all ranks, and confine others to men of good estates? Or, if you wish a property qualification to be general and uniform, let it be adjusted to the notion of a *medium* between rich and poor.

As regards the franchise, there is no convenient alternative but to try for such a medium. For, since the men who have nothing are always more numerous than the rich, and often compose a majority of the whole people; if you make the suffrage universal, you annihilate the influence



of property; while, on the other hand, if you give the poorer classes no vote, you annihilate the influence of numbers. Now, you should do neither of these things. Take the world as it is. Let those who pay the taxes, and bear the chief burdens of the state, have an influence directly proportioned to their usefulness and merit as citizens. This is just, and you cannot otherwise make them feel that they are rightly dealt with. It is therefore politic too. Yet do not hurry off to the other extreme, and stifle utterly the voice of mere numbers. Men who have nothing, are yet men; and not a few of them are citizens of high desert. Their poverty may be owing to other causes than sloth, intemperance, or dissipation. It is not always the lot of industry or enterprise, or both together, to make large acquisitions. In a free country, the voice of the poor man, as well as of the rich, must have its share of political weight. There will otherwise be a feeling of injury here also. How, then, are you to manage? As to office, there may be something like an *apportionment*, by opening the doors of certain employments to the property classes only, while others are made accessible to all; but in the matter of the franchise, where one uniform rule may be desirable, I see no better way than to *mediate* between the very rich and the very poor, by giving the right of suffrage to the inter-

vening portion of society, which approaches both extremes, and is capable of feeling for the interests of both, so as to vote impartially, and with probable satisfaction to the whole community.

At any rate, the founders of our government seem to have acted upon a policy of this kind. We do not enter practically into such refinements now-a-days. We are too busy, and prefer a more dashing style of politics. Constitution-making is become a humdrum business. "Nature's journeymen" can do it, and with cigars in their mouths. It was not so at first. A republican state was then regarded as a piece of moral clock-work; a complicated mechanism, full of parts requiring the most careful and precise adjustment. And there were three great topics of interest combined in the general subject. First, government proper; secondly, the vesting and qualification of the franchise of election; thirdly, (not apart from the others, but in close connection with them,) the accommodation of the political to the civil and social system, for ends of justice and of popular peace. These topics claimed and received attention, each on its own account, and with an anxious regard to its own occasions. The result was an economy of peculiar and very decided character, which I propose to examine with some care.

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## THE SHADOW.

A moon ascending, full and small,  
A lone and snowy road;  
And, here and there, a wild-wood tall,  
With branches bare and broad.

A lone, dark figure moving by—  
Its shadow goes before;  
The figure and the shadow fly  
As on a silver floor.

The sky is blue, the trees are black,  
And white the sheeted ground;  
And, now and then, the form looks back,  
Or, stealthily, around.

But whether from suspected harm,  
He hurries on his way,  
Or if to keep his chill blood warm,  
I know not which to say.

He hastens on his way, and still  
His shadow goes before;  
And now, to nerve his fickle will,  
His heart he will outpour:

"Ha! ha! I wander all alone,  
In all the wide world drear,  
And nothing can I call my own  
But this my shadow here.

They say that I am going mad,  
Because I love my moods,  
And speak in rhyme when I am sad,  
Or wander in the woods.

Ha! ha! I thank thee, gentle moon,  
For this my shadow here;  
It is a friend—a madman's boon,  
And chides my foolish tear.

It walks—it runs—it leaps along,  
Yet keeps so kindly near;  
And, if it had a voice, a song  
'Twould carol in my ear.

It goes before, and, if I turn,  
Will follow me behind—  
A truant hiding from the moon—  
The moon our mother kind.

Now slow and dark it glides along,  
And *will* be moving near,  
As if it were a thought of wrong—  
A thing to hate and fear.

Oh, leave me, Shadow, grim and black,  
Oh, leave me to myself!  
And haunt no more my lonely track,  
Thou shapeless demon-elf.

Away! away! blot not the light,  
Thou dark, forerunning Doom;  
Oh, hide it, moon—oh, come thou, night,  
And drown it in thy gloom!

But see! its arms it gaily flings;  
My merry dwarf it is,  
And I, the merriest of kings,  
Will hold my revelries.

And I will stop and sit me down;  
This drift shall be my throne;  
The dazzling frost shall be my crown—  
My realm the wild-wood lone.

Ho! ho! my Shadow, bring me wine,  
For I am weary now,  
And thou shalt be my harlequin  
And dance upon the snow.

Haste thee! haste thee!—the minstrels bring;  
Let clouds of music roll;  
Let star-eyed Beauty smile and sing,  
Or wreath the brimming bowl.

They come!—fair forms begin to float  
Transparent to the moon;  
Soft airs swell near—now die remote—  
A glory bursts like noon!

Come near, more near, ye loving eyes;  
Gaze on me ere we part;  
I cannot clasp you—cannot rise—  
The ice is on my heart.

Oh, stars, no more the eyes ye seemed;  
Oh, harps—the wind's shrill cry;  
Oh, forms—the clouds; I have but dreamed,  
And, dreaming, waked to die!"

He said, and clouds began to loom  
Above the darkened wood;  
The Shadow melted in the gloom—  
A drop within the flood.

All night there raged a wintry storm,  
And sunny morning-tide  
Revealed a shadow and a form  
Close sleeping side by side.

And soon a passing traveller found  
The fair-haired, youthful one,  
Stretched pulseless on the snowy ground—  
His face against the sun.

The form was wrapt in winter's pall;  
In death the lips were clasped;  
And, in the hand, an icicle  
Was, like a sceptre, grasped.



## THE PUPILS OF THE GUARD.

[FROM THE FRENCH OF ST. HILAIRE.]

BY MRS. ST. SIMON.

## CHAPTER I.

## THE REVIEW.

One Sunday, in the month of August, 1811, about ten o'clock in the morning, a vast crowd thronged toward the *Place de la Carousel*. At noon, Napoleon was to hold one of those magnificent reviews which always excited the admiration of the Parisians. But on this day their curiosity was the more aroused, as the Emperor was to inspect a newly created corps, that of the Pupils of the Guard, which no one in Paris had yet seen, and which had arrived from Versailles the evening before.

Fortune, which thus far had not ceased to smile upon Napoleon, had six months previous crowned his wishes, by granting him an heir. After having given his son a throne for a cradle, a royal crown for a cap, and the sceptre of Charlemagne for a rattle, he resolved to surround him with a guard, which should accord with his age.

A great number of his soldiers had sons or nephews, as yet too young to enter into the ordinary regiments; none of them were able to meet the expenses of their education at a military school, and besides, among the latter there were many orphans, for glory has always its sad side, and every victory which illustrates a nation, clothes many families in mourning. Wishing therefore, that war should in some sort repair the inevitable misfortunes which it inflicts upon its children, Napoleon conceived the idea of restoring to them what they had lost.

"It is in the ranks of the army that their fathers have fallen," he said, on this

occasion; "it is the army entire which shall supply that which they have lost."

Consequently, on the thirtieth of March, 1811, a decree had been promulgated, which directed the formation of a regiment composed of two battalions, of six companies each, which should bear the name of Pupils of the Guard. This corps was to be placed on the same footing with those of the Young Guard, except as to the pay, which was less. Among other qualifications requisite to admission among the Pupils, it was necessary to be the son, or at least the nephew, of a soldier who had died on the field of battle, to know how to read and write correctly, to be less than five feet high, and to have been duly vaccinated. Ten complete years was the minimum, and sixteen the maximum age for admission.

The uniform consisted of a green coat, with a yellow border, a shako and gaiters, with wide pantaloons of the same color as the coat; the subalterns were entitled to wear a sabre only; the sword was the weapon of the officers. The corporals, quarter-masters, sergeants and sergeant-majors were chosen according to merit and seniority. The officers, from the grade of sub-lieutenant to that of colonel, were named by the Emperor, upon the recommendation of the minister of war. Particular regulations were to govern this corps, if it should ever enter upon actual service. The decree terminated in these words: "There shall be no grenadiers." This clause sounded almost like a jest, and the following might have been added, with equal certainty of its being obeyed: "Moustachios shall not be rigorously required."

This regiment in miniature had been

organized at Versailles. The brave colonel Bardin was appointed to the command of it; the *chef de bataillon*, Dibbets, was named major. The greater number of the officers had been chosen from among the scholars of St. Cyr and Fontainebleau. This body of little infantry was soon increased to four thousand men. Afterward the Emperor augmented it to such a degree, that at the close of 1812, it was composed of eight battalions of eight companies each. The Pupils had a sub-lieutenant, a band of musicians, fifers, drummers, a drum-major, and even sappers. A simple tri-colored banner supplied the place of a standard, as a new regiment could receive its eagle only at the hands of Napoleon, and the latter never granted one, unless it had been merited upon the field of battle.

The four regiments of the Old Guard were already ranged in order of battle in the court-yard of the Tuilleries, when the spectators beheld with surprise a regiment of little foot-soldiers, the oldest of whom was scarcely fourteen years, defile from the gate of the Pont Royal, and approach in good order. From their erect and military bearing they might have been taken for old troops, such were the regularity of their movements, and the uniformity of their march. One would have thought them a corps of the Guard under arms, seen through an opera-glass reversed.

First came a platoon of sappers—fair-haired boys, with fur bonnets, whose beardless chins and roguish mien contrasted strangely with the terrible air which they endeavored to assume; then, a drum-major, four feet eight inches in height, who, as he passed before his colleague of the Old Guard, a veritable colossus, twirled his staff above his head with extraordinary velocity, as if challenging him to a trial of skill. He was followed by his drummers, beating *La Favorite*, that march of the grenadiers of the Old Guard, a true funeral knell to the Russian and Prussian battalions. The band of music came next; it was without its bass drum, because none of the performers had the strength to bear this heavy instrument. After these rode the staff, followed by the regiment with musket upon shoulder.

These embryo heroes formed themselves in order of battle, in front of the first

regiment of grenadiers, not a man of whom was less than six feet in height. At the sight of these children the old soldiers smiled, and whispers ran from rank to rank; but the drummers having beaten the march to announce the arrival of the Emperor, all became silent and motionless. Napoleon rode directly to the Pupils, who had opened their ranks to receive him; he dismounted, spoke a few words to Colonel Bardin, and, accompanied by the staff of the regiment, commenced his inspection. Suddenly taking a little corporal by the ear, and drawing him gently forward:

"How old are you, master *blond*?" he said to him, in a tone almost of severity.

"My Emperor, I was thirteen the 20th of last March, the birthday of the King of Rome."

"Why did you laugh a moment since, when I was speaking to your colonel?"

"Sire, it was from pleasure at seeing you?"

"And if I should send you to the guard-house, when you reach Versailles, to teach you that a subaltern officer should not laugh in the ranks, what then would you say?"

"My Emperor, I should say that I was very fortunate, for that would prove that you had noticed me."

"The little fellow has an answer for every thing," said Napoleon, pleasantly; and he walked onward.

At a sign from Major Dibbets, the little corporal returned to the ranks.

His inspection terminated, Napoleon ordered the Pupils to advance a few paces, and placing himself between them and his grenadiers, he said:

"Soldiers of my Old Guard, behold your children! Their fathers died fighting at your side; you will supply their place. In you they will find at once an example and a support. Be their guardians! In imitating you, they will be brave; in listening to your counsels, they will become the best soldiers in the world. I have confided to them the safety of my son, as I have confided mine to you. With them I shall have no fear for him, as with you I have no fear for myself. I ask your friendship and protection for them."

At these words, deafening shouts of "*Vive l'Empereur! Vive le Roi de Rome!*" burst from the ranks. Napoleon with a

gesture restrained this enthusiasm; then, turning towards the pupils:

"And you, my children!" he resumed, with a voice faltering with emotion; "by attaching you to my Guard, I give you a difficult duty to fulfill, but I depend upon you; and I hope that it will be one day said of you—'these children are worthy of their fathers.'"

Frenzied acclamations followed this harangue. Napoleon at once directed his aid-de-camp, the Count of Lobau, to command them to defile before him, and the Pupils, the heroes of the day, marched in good order and with great regularity at the head of the Old Guard. Scarcely had the drummers of the first regiment of grenadiers, which followed them, arrived opposite the group of the Imperial staff, when a boy from among the crowd, about twelve years of age, leaving his comrades, advanced timidly toward Napoleon, and standing at a respectful distance, held out his cap toward him, upon which he had placed a petition.

"Ah, ha!" said the Emperor, with a smile, "here is a little fellow who has ambition already! he is beginning early!" Then addressing another aid-de-camp, he added: "Durosnel, see what the lad wants."

The latter approached the boy, took his petition, addressed a few words to him, and then returning to the Emperor, said:

"Sire, it is an orphan."

"An orphan!" said Napoleon, extending his hand, "give me the paper."

And unfolding the petition, he read as follows:

"To his Majesty, the King of Rome, at his domicile of the Tuilleries in Paris.

"SIRE—Pierre Mouscadet, aged eleven campaigns, exclusive proprietor of five wounds not mortal, and foot grenadier of the 1st of the Old Guard of your honored father, who with his own hand bestowed the cross upon your petitioner at the camp of Boulogne, informs your majesty that he has just inherited a nephew, whom he is at a loss how to dispose of, seeing that he is at present under marching orders.

"Sire, the said nephew is for the present an *enfant de troupe*, and already one of your most profound admirers. Blond by nature, in height one metre thirty-

three centimetres, and he has been vaccinated according to the rules, by the aid-major. The said nephew will indubitably make a good soldier. He knows how to read and to write, and possesses a knowledge of the respect due to his immediate chiefs, and to the heir-presumptive of the empire. For this reason your petitioner prays you to have the goodness to permit his nephew, François Mouscadet, bearer of this present writing, to be incorporated with all speed into the corps of the Pupils of the Guard, which is your guard, and whose head-quarters are at Versailles. Your petitioner promises you that he will do honor to the regiment, and that he will never pout in the service of your Imperial, royal and Roman person.

"Sire, excuse me if I simply place my mark at the end of this petition; it was in this manner that I was obliged to sign my engagement to serve as a volunteer, which has not prevented it from being good and valid, as you may learn from your honored father, our worthy Emperor, with whom I have the honor to be slightly acquainted.

"Sire, I have the honor to remain, Pierre Mouscadet, marked as below, and barracked at Courbevois.

"At the barracks, 15th August, 1811, day of Saint Napoleon, the *fête* of your honored father.

his  
PIERRE X MOUSCADET.  
mark."

Napoleon had smiled more than once during the reading of this epistle, and when he had reperused the address, "To his Majesty, the King of Rome, at his domicile of the Tuilleries in Paris," he said, shrugging his shoulders, "Why, it is not for me."

Still, he made a sign with his hand to the boy, who stood motionless in his place, and said to him:

"Approach, my little friend. Your name is François, then, and you are the nephew of Pierre Mouscadet, a grenadier of my Guard."

"Yes, my Emperor," replied the boy timidly, turning his leather cap in his little hands.

"Well, then, you will tell your uncle that he is a blockhead."

"Yes, my Emperor," and the child

cast his eyes to the ground. Napoleon, smiling at his simplicity, rejoined.

"Henceforth, when he has anything to ask for, it is to me, to me alone, do you hear, that he should apply."

"Yes, my Emperor."

"Still, the commission of Master Pierre Mouscadet shall be punctually executed; for, after all, it would be unjust that you should suffer by your uncle's stupidity."

Then, addressing his aid-de-camp, and placing in his hands the petition of the old soldier:

"Lauriston," he said, "conduct the petitioner at once to my son; you will afterwards bring him here again."

The general now led little François into the chamber of his majesty, then six months old, whom he found sleeping in his cradle, surrounded by the ladies attached to his service. Madame de Montesquieu, in accordance with etiquette, placed the petition respectfully at the feet of the child, who, waking in an ill humor, uttered a long, loud scream. The aid-de-camp, thinking his errand duly executed, led little François back to the Emperor, who was busied in watching the light artillery, as they defiled before him.

"Well, sir," he said at once, turning to the aid-de-camp, "have you done as I directed?"

"Yes, sire."

"What did his majesty, the King of Rome, answer?"

"Sire, his majesty, the King of Rome, answered nothing."

"Well," replied Napoleon, smiling, "silence gives consent. Lauriston, you will lay this petition before me this evening, that it may pass through the requisite forms. As for you," he added, turning to François, "go and rejoin your comrades, and take care that you are not run over by the cavalry that I see approaching yonder."

Napoleon gazed after the boy as he disappeared, running with all his might through the ranks of the last battalion of grenadiers; and when he had lost sight of him, he said, in a tone of lively interest, "I will wager that he is not a blockhead! But his uncle is, not the less, one of my *braves*, and I wish him to be satisfied with me."

Immediately after the review, the Pu-

pils entered upon their duties about the person of the King of Rome. The Empress' ladies in waiting took great notice of these little soldiers, whom they thought charming. They handled their little muskets, they pitied them, they consoled them, and on the following day, when the company, having been relieved from guard, and replaced by another, returned to the military school, instead of finding cartridges in their cartridge-boxes, they found them filled with marbles, chocolate-drops, sugared almonds, and bonbons of every description.

A few days afterwards, young François Mouscadet took his place among the Pupils, after having passed the requisite examination.

## CHAPTER II.

### THE GRENADEIER.

In the first regiment of the foot grenadiers of the Old Guard, there was a soldier, named Pierre Mouscadet, who was what, in military phrase, is called an *old mous-tache*. Having set out, in 1792, with the first battalion of volunteers, Mouscadet had not left his colors for a single moment; and still it was not until the battle of Austerlitz that he was admitted into the Guard; for, unfortunately for him, his education had been sadly neglected; he could not even write his name. Mouscadet, therefore, could hope for no higher grade than that of *officer of the sentry-box*, as the common soldiers were sometimes called.

He was in garrison at Courbevois, when one morning the wagon-master brought him a letter, post-marked Saint-Jean-Brevelay, a large borough situated near Vannes, in Lower Brittany, and the native place of the old soldier. It was the first letter that he had received since he had been in the service, and he was greatly embarrassed at its reception. He went to the quartermaster of his company, and begged him to read it. It was from the schoolmaster of Saint-Jean-Brevelay, who informed him that his brother, François, was very ill, and that he wished to see him before he died. Mouscadet had an excellent heart, and although he had not



seen his brother since childhood, he did not hesitate for a moment. With the schoolmaster's letter in his hand, he appeared before his captain, in order to obtain a month's furlough. Two days after, Mouscadet, with his pipe in his mouth, his knapsack on his back, and a stout staff in his hand, was upon the road to Brittany, marching sadly onward, in harmony with his reflections. On the tenth day of his journey, he reached Saint-Jean-Brevelay, and found without difficulty the cottage in which he was born; but, alas! François was dying, and was scarcely able to press his hand, and to say, with a faint voice—

"Brother, I thank you for having come. That is all that my poor Jeanne left me when she died; I give him to you."

François was unable to say more. A few moments afterward he breathed his last.

The bequest which Pierre's brother had left him, was a stout, ruddy-cheeked boy, who had gazed with an air of wonder upon this sad scene, without appearing to comprehend it; the little fellow seemed more occupied with the uniform of the grenadier, than with the irreparable loss which he had just suffered.

On the following day, when Mouscadet had paid the last duties to his brother, he was seated before the door of the cottage, tranquilly smoking his pipe, and watching his nephew, who, with the carelessness natural to his age, was playing with a large dog that belonged to the schoolmaster.

"What the d—l shall I do with the fellow?" he said to himself, after a quarter of an hour, passed in deep reflection. "I will never abandon the son of my poor François; that is indubitable. I have only my rations to share with him, but as long as there is enough for one, there will be enough for two, and if the rogue eats for four, why, he must make it up in potatoes—that is not the difficulty—it remains to be seen if the colonel will receive him into the regiment in the capacity of *enfant de troupe*. Never mind, I will carry him with me to Courbevois; I will dress him carefully when I arrive, and then I will present him to the major."

Delighted with his idea, Mouscadet fastened on his knapsack, paid a last visit to his brother's grave, thanked the school-

master for the cares which he had rendered him, and, accompanied by his nephew, retook the road to Paris.

"Well, then," he said, turning to his nephew, when he had lost sight of the steeple of Saint-Jean-Brevelay, "what is your name, my little fellow?"

"François," replied the orphan, clinging to the arm of the old soldier.

"Well, François, I forewarn you, that it is something of a stretch from here to head-quarters; try, then, to measure your step by mine, which I will consequently moderate; that will make you grow; and height—do you see, my friend François—height is of the greatest consequence, if you would join the Grenadiers. Would you like to be a grenadier?"

"A grenadier? are you a grenadier, uncle?"

"Rather so, my nephew!" replied Mouscadet, passing the palm of his hand complacently across his thick, black moustache.

"Oh, yes! I should like to be a grenadier. I should like to have a fine coat, and a sharp sabre, as you have."

"You are by no means dainty, my lad. Well, let me arrange business with the major, who is on the best terms with the little corporal, for, d'ye see, my puppet, the little corporal can as easily make a quartermaster of the Guard, as he can make a monarch in Europe; the main thing is to profit by the moment. I have my idea; but that it may be completely successful, it is necessary for you to stretch your legs a little more quickly than you do, and march straight forward, physically as well as morally; otherwise the little corporal will never make your fortune."

"Yes, uncle," replied little François, exerting himself to the utmost to keep step with the old grenadier.

But it was a difficult business. The boy was already completely out of breath, when Mouscadet, judging that his nephew could not travel long at that rate, seated him astride his knapsack, and continued his march at a quicker pace.

During their journey the old soldier became more and more attached to François, on account of his gaiety, his resolution, and the courage with which he supported the fatigues of the road. Thus they at last reached Courbevois. Little

François was an orphan no longer ; he had found a father in his uncle, and friends in his comrades the grenadiers.

Mouscadet's first care was to present his *protégé* to the major, who admitted him at once among the *enfants de troupe* of the regiment, with half pay. But at this time peace was not of long duration in France. They soon spoke of a new war, and for the first time in his life François' uncle did not receive the news with pleasure. He was no longer alone. Should he expose this child to the fatigues of forced marches, to the privations of the bivouac, to the chances of battle ? He resolved, therefore, to have him incorporated with the Pupils of the Guard.

"Now, since the regiment," he said to himself, "is no other than the guard of the King of Rome, it is to his Roman majesty directly that I must apply, because if the son has no right to receive my petition, I have still a resource in the father, who has as yet refused me nothing, perhaps, because I have never asked him for anything."

Satisfied with this reasoning, Pierre Mouscadet sought out a quartermaster of his battalion, who was renowned for the beauty of his penmanship, and dictated to him the petition which we have given above. The sole question now was how to send it by some sure hand to the Emperor. A grand review of the Guard having been appointed for the following Sunday, the occasion seemed an auspicious one. The reader has seen the manner in which Napoleon received the petition of the old soldier, as well as the result which followed. Mouscadet, now tranquil as to the lot of his adopted son, departed gayly the following year for the Russian campaign—a campaign which was destined to be as fatal in its results as it was admirable in its conception.

### CHAPTER III.

#### ACTUAL SERVICE.

Young François, who was endowed with more than ordinary intelligence, had made rapid progress. At the end of a year he was a corporal, and at the commencement

of 1813 he was the best drill-sergeant of the battalion. He had often written to his uncle, but his letters had never been answered. In the mean while the disastrous retreat from Moscow occurred. Napoleon had returned in haste to Paris to organize a new army. France had lost her men ; she gave her children ; and the first battalion of the Pupils of the Guard, placed upon a war footing, joined the army which was approaching the borders of the Saale. Conquerors at Lutzen, at Bautzen, and at Dresden, these noble youths did what their fathers had so often done ; they crushed the Russian and Prussian phalanxes ; but the fatal hour had struck. Entire Europe had basely coalesced against France. What had become of Pierre Mouscadet in the midst of these sanguinary calamities ? Was his young *protégé* an orphan a second time ?

"If I had had the honor of belonging to the war battalion of the Pupils," said François to himself, "if I had been at Leipsic, I should have heard something about my uncle Pierre. It seems to me that I am strong enough, and have courage enough, to do something else beside teach the step in 12 time to these babes in the barracks. There is a new army forming they say ; I should like to join it this time, if it were only as a simple musketeer."

Accordingly, one day our young sergeant heard that the Emperor was to hunt the next morning in the forest of Sartory. The Pupils were not in the habit of lounging in the streets of Versailles ; they never left their quarters except to promenade in a body, with the drummer at their head. Scarcely had the day dawned, when, taking advantage of a moment when he could not be seen, François descended into a back court of the quarters, clambered up a tree, from the tree to the wall, and with a leap found himself on the plain below. He soon reached the forest of Sartory, and placing himself in ambush behind the statue of the chevalier Bernin, which is situated at the extremity of the sheet of water called *Des Suisses*, before which the imperial train must necessarily pass, he waited with patience, while he rehearsed in his memory the words which he intended to address to Napoleon, and upon the effect of which he counted with the utmost

certainly. He had not been long there, when the gallop of several horses was heard. It was the Emperor with his suit. François advanced and stood motionless, in the position of a soldier without arms. Napoleon, surprised at meeting a Pupil of the Guard in this spot, paused, frowned, and inquired in a stern tone:

"What are you doing here, young man?"

François, with both heels in line, his chest advanced, the back of his right hand to his shako, replied calmly:

"Sire, I was waiting for you."

"Ah!" rejoined the Emperor, who did not expect such a reply, "but why are you out of your quarters at this hour?"

"To speak to your majesty."

"How did you leave them?" cried the Emperor, impatiently.

"Sire, by leaping over the wall."

"Young man," said Napoleon, who now remarked the lozenge-shaped band upon the pupil's sleeve, "such an act of insubordination on the part of a subaltern officer is unpardonable! Do you not know that you should set an example of discipline to the rest?"

"I know it, sire; but it was necessary above all things that I should speak with your majesty."

"Be quick, then! what do you want?"

"The honor, sire, of joining the war battalion of the Pupils of the Guard, of fighting against your majesty's enemies, and of dying, if necessary, in defense of my country."

At these words, uttered as they were, with an accent truly heroic, the expression of the Emperor's features changed; his glance, so stern a moment before, became mild and almost affectionate.

"Your name, young man?" he said.

"François Mouscadet, nephew of Pierre Mouscadet, grenadier of the 11th regiment of the Old Guard."

"Indeed!" cried the Emperor; and turning toward the grand huntsman, he addressed a few words to him with a smile; then resuming his serious air, he added coldly:

"François, you will at once return to your quarters."

"Yes, sire."

"You will tell the adjutant to place you in the guard-house."

"Yes, sire."

"Begone! I will remember you." And Napoleon set off at a gallop.

François, transported with joy, retired to his quarters, and gave himself up to the adjutant of the guard, who placed him under arrest. But what was this to him? The Emperor had said to him, "*I will remember you*," and these words were a sufficient consolation. He remained in confinement for eight days; on the ninth he was summoned before Colonel Bardin, who embraced him, and placed in his hands a lieutenant's brevet in the corps of the Pupils, with written directions for his route to join the battalion of war.

Words can scarcely describe François' happiness at first wearing an epaulette upon his shoulders. His joy approached delirium. He was an officer in the guard of the King of Rome. It was a hundred times more than he had dared to hope for. He wrote to Pierre Mouscadet informing him of what had passed, adding that he hoped soon to meet him upon the field of battle, and to prove to him that he was worthy of being his nephew. The old soldier showed François' letter to his whole company, swearing that he was ready to be killed for *the use* of the Emperor, who demeaned himself so agreeably towards a nephew who was the son of his own brother.

The campaign of 1814, during which a single army disputed every foot of ground against the combined forces of Europe, seems truly fabulous. The second battalion of the Pupils had been summoned into the field, as the first had been the preceding year, and both were embodied in the war battalion of the Guard.

One day, in the plains of Champagne, Napoleon wishing to deceive the enemy, in order to insure the success of a particular movement, directed a battalion of his Old Guard to advance, at the same time sending forward a company of its Pupils as tirailleurs. This company was François! It was a strange sight to see those brave youths deliver their fire with such coolness against the Russians, who were twice their size and triple their age; to see them take aim with as much calmness as if they were engaged at a game of marbles, while the old grenadiers, with musket upon arm, awaited with impatience the



order to advance, cheered them with their voices, all watching with paternal eye, lest they should be surprised by the enemy's cavalry.

The engagement was long and sanguinary, but the Pupils of the Guard behaved so bravely that the success of the movement was insured. Stationed in the rear upon a slight eminence, Napoleon had watched the whole affair. After the action he approached to congratulate them. As he reached the front of the battalion of his grenadiers, a young officer of the Pupils was carried by upon a litter formed of crossed muskets; he had been severely wounded in the early part of the engagement, but had refused to be carried from the field of battle until after the retreat of the Russians, and notwithstanding his painful condition had not ceased to cry, "*Vive l'Empereur! vive la France!*"

Napoleon approached to address him, when a grenadier suddenly stepped from the ranks, rushed wildly towards the wounded boy, and clasped him in his arms with the liveliest emotion. It was Pierre Mouscadet; he had recognized his nephew, but the next moment he beheld Napoleon standing near him, and casting upon him one of his flashing glances.

"Pardon, excuse me, my Emperor!" said the old soldier, in a tone trembling with fear and emotion; "I have left the ranks without permission; I ought to be punished, but it is my nephew, it is little François, my adopted son; I could not restrain myself, I was carried away."

"Silence!" said Napoleon, sternly. Then taking the hand of the wounded youth: "*Captain François*," he said, emphasizing the word which announced the rank which he gave to him, "this cross has been waiting for you since our interview in the forest of Sartory; receive it from my hand."

Big tears flowed from the eyes of Pierre Mouscadet, and he stammered forth:

"My Emperor, I received the same honor from you at Boulogne, but I was then a man, and François is but a child. Well, I have left the ranks without permission. I ought to be"—

"Adieu, Captain François," resumed Napoleon, without listening to the words of the grenadier, "we will meet soon again, I hope."

"Pardon me, excuse me, my Emperor; I have left the ranks, I ought"—

Napoleon, who wished only to recompense, interrupted the old soldier, saying in an impatient tone:

"You are mistaken. Did you not see the sign I gave you to approach and embrace your nephew? Silence then, and return to the ranks!"

#### CHAPTER IV.

##### THIRTY YEARS AFTER.

Some days since, as I crossed the Square Dauphiné at Versailles, I observed a man with a wooden leg, standing as if in contemplation before the colossal statue of General Hoche; I thought I recognized him. Although attired in citizen's dress, yet he wore upon his head a policeman's cap of dark green leather, ornamented with a yellow tassel, and bordered by an edging of the same color. I approached him.

"Good day, captain," I said, cordially reaching him my hand, "do you not recognize me?"

Captain François, for it was he, gazed upon me, at first, with hesitation, then casting his arms about my neck, he embraced me.

"Parbleu!" he cried, "I remember you now."

"Yes," I replied, smiling, "it is I, indeed, with thirty years more upon my head."

"Oh!" cried the captain, raising his eyes sadly towards heaven, "do not let us speak of those times!"

"On the contrary, let us speak of them always."

The brave captain then informed me, that in consequence of the wound which he had received in Champagne, he had been obliged to lose his leg; that after the events of 1815, he had retired to Versailles with his uncle Pierre, who died not long after; that, finally, he had married, and had had a son.

Here the captain drooped his head sadly, and passed his hand over his eyes.

"And this son?" I asked.

"Died in Africa—the Arabs assassinated him."

In order to turn the conversation from a subject so painful, I hastened to add :

"It seems as if I still saw the Pupils of the Guard, marching through the park, in winter, with their handsome green uniforms"—

"*Ma foi !*" he cried, interrupting me,

"I had mine all complete, a short time ago ; but as I am not rich, I tried to turn it to some use, and see !"—here the captain uncovered his head, and pointed complacently to his leathern cap—"see ! this is all I could get in exchange for it."

## THE CHILD AND THE AURORA BOREALIS.

THE air is sharp—the cloudless night  
All glittering with a frosty light.  
The sky above is deeply blue,  
And crisp and cold the stars look through.  
The sun hath had no power to-day  
To melt the crusted snow away ;  
And on its glancing surface bright  
Sparkles like gems the clear starlight.  
The trees with icy beads are strung  
From branch and spray unnumbered hung.

Maria, upon thy wondering sight  
What vision breaks this silent night ?  
Her eyes, so exquisitely clear,  
Are raised to heaven. It is not fear,  
It is not joy ; perhaps the twain—  
Some wish yet undefined as vain,  
Some quick, unspeakable surprise,  
That fixes thus her ardent eyes.

A vision, never seen before,  
Spreads half the wide horizon o'er ;  
A light, like torches waved on high,  
To light some herald through the sky,  
Or troops of armed horsemen prancing,  
With glittering spears and banners glancing ;  
Now brightening like the coming day,  
Now fading like a mist away.

New to her childish gaze the sight—  
New *all* the glories of the night—  
For ay, till now, the evening hour  
Hath found her like a folded flower,  
Ere yet the stars begin to peep,  
Wrapped in the honey dew of sleep.  
All new to her the wondrous light,  
The glory of a winter night.  
In mute perplexity, apart  
She stands, and in her simple heart  
Can find no words to speak the wonder

That ho'ds her rosy lips asunder.  
What can she do ?—how freely tell  
The doubts that in her bosom swell ?

Come teeming now her memory o'er  
All wondrous tales of fairy lore—  
Of palaces with gold bedight,  
And shining host with banners bright ;  
And founts and diamond waterfalls,  
Enchanted groves and glittering halls—  
'Tis all bewilderment. But now  
A gradual calmness lights her brow—  
The spirit's calmness softly shed  
Like moonlight on a lily-bed.  
She thinks—perhaps the gates of heaven  
Are thus in glorious light univen,  
And there, to meet their angel kin,  
That little children enter in.  
So, touched with awe, athwart her face  
There steals a softer, soberer grace :  
The sweet solemnity she feels,  
Dimly a mystery reveals,  
And of that mystery apart,  
Thought trembles at the young child's  
heart.

A dawning sense, a lesson new,  
Defining other mysteries too,  
That evermore the earth, the air,  
To her shall holier aspect wear ;  
And haply from that blessed hour  
Shall kindle in her soul a power,  
Whence, through the future's weal or woe,  
Shall richer dreams and memories glow,  
Emitting radiance from afar,  
Like summer's bow, or evening star ;  
And born of that discerned to-night,  
Shall come yet unrevealed light ;  
And future hours to this return,  
That Age from Infancy may learn.

A. M. W.

## MACAULAY'S ESSAYS.\*

FEW books, within our recollection, have been looked for with so much interest, or grasped at with so much avidity, as Mr. Macaulay's History. The reason of this is obvious:—Mr. Macaulay had written somewhat largely and acceptably on historical subjects: he was generally understood to be a man of rather liberal and popular principles: he was thought to be a writer of great talent, research and accuracy, of a remarkably discriminating and impartial judgment, and of a most original, brilliant and impressive style; and he was reported to be engaged in a work on that period of which a good history was most wanted. Two large volumes of the work, covering, exclusive of the introductory matter, a period of about three years and eleven months, have at length appeared, and we presume have, if anything, rather surpassed the public expectations. To paraphrase one of Mr. Macaulay's own sentences,† he writes ten pages of history where another man writes one, and one of his pages is thought by many to contain as much excellence as another man's ten.

Lord Mahon's work, so far as we know, was not heard of by the public until it appeared, and has been little noticed in this country since its appearance. First published in 1844, it has waited five years for republication in America. At length the Messrs. Appleton, one of the best and largest publishing houses in the country, have put it forth in their best style, under the editorial supervision of the able and judicious Professor Reed, of Philadelphia, a man of extensive learning and excellent taste, and one of the fairest, clearest, calmest minds that have lately appeared in the field of American letters. The work could

not have passed to the public through better hands, and but that we dislike the mode of expression, we would add, those hands could not well have been employed on a more acceptable work. Both the editor and the publishers are the more entitled to our thanks, forasmuch as they have performed the task with the prospect of but a remote and slender advantage to themselves: for it could hardly be expected that a work which had waited so long for a publisher should have a very quick or very large sale when published. This fact, however, must not be supposed to indicate a want of taste and appreciation in the public for historical literature. For if Lord Mahon has waited five years to find one publisher, Mr. Macaulay has found three publishers in as many months; and four or five large editions of the latter are likely to be disposed of before the half of one small edition of the former shall have been sold. Nor do the two works differ more in popularity than in temper and style: Lord Mahon uniformly writes like a gentleman, a scholar, and a Christian; Mr. Macaulay writes just like himself; in their views, feelings and dispositions they are almost as unlike as Edmund Burke and Thomas Paine; in short, however much we may respect so high an authority as popular taste, we feel bound to confess, that in the most essential qualities of an historian Lord Mahon seems to us as much better than Mr. Macaulay as he is different from him. Nor is this conclusion taken up lightly and unadvisedly; it is the result of a pretty careful study and comparison of the two works: we know, moreover, that there are a few who agree with us in opinion now; and we have the confidence or the vanity

\* Essays, Critical and Miscellaneous. By T. Babington Macaulay. Philadelphia: Carey & Hart. 1847.

The History of England, from the Accession of James II. By Thomas Babington Macaulay. New York: Harper & Brothers, 82 Cliff street. 1849.

History of England, from the Peace of Utrecht to the Peace of Paris. By Lord Mahon. Edited by Henry Reed, Professor of English Literature in the University of Pennsylvania. In two volumes. New York: D. Appleton & Co., 200 Broadway. Philadelphia: George S. Appleton, 164 Chestnut street. 1849.

† Essays, p. 171.



to think the number will increase. The book has nothing savoring of "a nine-days' wonder;" without any of the qualities that ordinarily make men mad, it has come forth silently, and, we venture to predict, will silently make its way. Though but little if any longer than Mr. Macaulay's two volumes, it covers a period of nearly fifty years; and that, too, without any appearance of incompleteness or want, or a sacrifice of any matter that would add to the real interest or value of the work. But though about the same length as Macaulay's two volumes, it is a book which one would naturally be much longer in reading, because it never puts one in a hurry; abounding in inculcations to linger and contemplate and reflect, it seldom if ever leaves on the mind that sense of positiveness which men are more apt to crave than to be the better or wiser for having.

But Mr. Macaulay's popularity and Lord Mahon's merit entitle them to a pretty thorough examination at our hands; and such an examination we shall now proceed to give them, as far as our time and space and ability will permit. We shall endeavor to discuss their respective qualities with tolerable candor and moderation; though we freely acknowledge an aversion to the one and an attachment to the other, which may more or less bias and disqualify our judgment concerning them; and we shall deeply regret, if, through prejudice or prepossession, we should lay ourselves open to any such impeachment of temper or of statement as we shall feel obliged to urge against one of them. We have thus taken care to indicate in the outset, "the gross and scope of our opinion," to the end that if any determined admirers of Mr. Macaulay should chance upon this article, they may know from the beginning what they have to expect.

Attention was first drawn to Mr. Macaulay in this country, by an article on Milton, published in the *Edinburgh Review* in 1825. Most of the author's admirers whom we have met with, dated their admiration from the reading of this article; to this they commonly appealed in justification of the high praise which it became fashionable to bestow upon him. It cannot be denied that there is much in the article well adapted to produce such a

result. A very small logic wielded with surprising agility, that master-weapon of special pleading, whereby readers are easily made to think they understand the things they do not; a fearless leaning to his own understanding, and scorning of all who do otherwise, which is often mistaken for the confidence of certain truth; a cheap and ostentatious mannerism of style, which keeps the author always in view, and the reader always thinking, "what a splendid writer he is!" a dashing, off-hand, superficial ingenuity of phrase, which it requires little culture, less time, and no thought to appreciate; a skillful puppet-show of illustrations which is sometimes called poetry, and which, from its rapidity of movement, leaves on the mind a half-impression of life; and an habitual settling of long-disputed questions, as if there were, and could be, no dispute about them, which naturally encourages some readers in mistaking their own wishes and prejudices for wise and just conclusions; these things, together with a remarkable absence of those moral and intellectual qualities which invite the reader to linger and reflect, and pause and suspend his judgment, and remeasure his ground, and question his premises, and distrust his opinions, and moderate his censures; all these things sufficiently explain why the article on Milton should have won for its author so quick and wide a popularity. That college boys and boarding-school misses, and sophomores of all ages and sexes should rise from such a piece of reading fully convinced that they knew far more of English history than Clarendon and Hume, was to be expected. And it was equally natural that they should entertain pretty tall notions of the writer who had given them so much knowledge at so little cost. When, for example, the critic informs us, with characteristic modesty, that "Hume hated religion so much that he hated liberty for having been allied with religion;" many would, of course, think there could no longer be any doubt why the historian "had presumed to shed a generous tear for the fate of Charles I. and the Earl of Strafford." By the way, Mr. Hume informs us, in the life of himself, prefixed to his history, that at one time he almost despaired of the success of his work, the publisher having



told him that only forty-five copies of it were sold in a year, and he having "scarcely heard of one man in the three kingdoms, considerable for rank or letters, that could endure the book, except the Primate of England, Dr. Herring, and the Primate of Ireland, Dr. Stone." Now if to the remark just quoted Mr. Macaulay had added, that it was probably for the same cause, namely, hatred of religion, that when the historian was thus despairing of his immortal work, "these dignified prelates separately sent him messages not to be discouraged," he would have nearly reached the spirit of his more mature performances. But, notwithstanding this slight defect, we can easily see how the article in question, even if no more like it had come from the same source, might well enough have lived very fast and died pretty soon. But the latter part of this effect was happily prevented by a succession of papers written with increasing cleverness and effrontery, evincing the same arrogance of temper, the same keen, cold intellectual virulence, the same hardness and hollowness of heart, and made up of the same monotonous smartness and brilliancy; yet coming at such intervals that the admiring readers had time to rest and recover from the monotony of one before they entered upon that of another.

All these things considered, it seems rather unkind in Mr. Macaulay to come out as he has done in the preface to the English edition of his Essays, telling us, "No attempt has been made to remodel any of the pieces which are contained in these volumes. Even the criticism on Milton, which was written when the author was fresh from college, and which contains scarcely a paragraph such as his matured judgment approves, still remains overloaded with quady and ungraceful ornament." "Call you that backing your friends?" Nevertheless, we acknowledge for once our entire consent with Mr. Macaulay; we fully agree with him that the piece in question is worthless; and we thought so long before his own opinion on the subject was published. For vices of style we believe it has never been surpassed; for vices (or are they virtues?) of temper it has probably been surpassed only by some of his later pieces.

Next, perhaps, to the article on Milton  
VOL. III. NO. V. NEW SERIES.

in popularity, was that on Croker's edition of Boswell's Life of Johnson, published in 1831. This piece opens with several pages of critical plenipotence, nearly or quite equal to anything the author has done; though his manifest redundancy of good nature has here betrayed him into some rather unlucky exhibitions. He says:

"Mr. Croker has favored us with some Greek of his own. 'At the altar,' says Dr. Johnson, 'I recommend my *Σ. φ.*' 'These letters,' says the editor, 'probably mean *Συητοι φίλοι*, departed friends.' Johnson was not a first-rate Greek scholar; but he knew more Greek than most boys when they leave school; and no schoolboy could venture to use the word *Συητοι* in the sense which Mr. Croker ascribes to it without imminent danger of a flogging."\*

One would think a man ought to be pretty sure he is right before he goes ahead after this fashion. Yet, if our lexicon does not lie, nothing in Greek is more certain than that the word *Συητοι* may be used "in the sense which Mr. Croker ascribes to it," and that as high an authority as Euripides, (*Hercules Furens*, 491,) has used it in that sense, all scholars are agreed except Dindorf. Now we know not what may be the custom in England, having never been to school there; but it is more customary here to flog schoolboys for insulting and browbeating their fellows, than for such mistakes as the one thus charged upon Mr. Croker. Here is another specimen from our accomplished author.

"Mr. Croker tells us that the great Marquis of Montrose was beheaded in Edinburgh, in 1650. There is not a forward boy in any school in England who does not know that the Marquis was hanged. The account of the execution is one of the finest passages in Lord Clarendon's History. We can scarcely suppose that Mr. Croker has never read that passage; and yet we can scarcely suppose that any person who has ever perused so noble and pathetic a story, can have utterly forgotten all its most striking circumstances."†

The passage of Lord Clarendon alluded to is before us; where we find the sen-

\* Essays, p. 138.

† Ibid, p. 136.

tence against the great Marquis running as follows, the italics being our own: "That he was, on the morrow, being the one and twentieth of May, 1650, to be carried to Edinburgh cross, and there to be hanged upon a gallows thirty foot high, for the space of three hours, *and then to be taken down, and his head to be cut off upon a scaffold, and hanged on Edinburgh toll-booth*; his legs and arms to be hanged up in other public towns of the kingdom, and his body to be buried at the place where he was executed, except the kirk should take off his excommunication; and then his body might be buried in the common place of burial." A few lines after, the noble historian informs us, that having first "pronounced his damnation," "the next day they executed every part and circumstance of that barbarous sentence, with all the inhumanity imaginable; and he bore it with all the courage and magnanimity, and the greatest piety, that a good Christian could manifest." Now, in some respects, the beheading of the Marquis after he was dead, seems to us a more striking and memorable circumstance than the hanging him. For who that has ever read this pathetic story, would not be most likely to remember that noblest part of the noblest speech we ever read, where the heroic Marquis told his bloodthirsty enemies, that "he was prouder to have his head set upon the place it was appointed to be, than he would be to have had his picture hang in the king's bed-chamber; that he was so far from being troubled that his four limbs were to be hanged in four cities of the kingdom, that he heartily wished he had flesh enough to be sent to every city in Christendom, as a testimony of the cause for which he suffered."\*

While on this subject we may as well notice a singular instance of inaccuracy that occurs in the *History*. Speaking of ancient Britain, he says:

"There was one province in our island, in which, as Procopius had been told, the ground was covered with serpents, and the air was such that no man could inhale it and live. To this desolate region the spirits of the departed were ferried over

from the land of the Franks at midnight. A strange race of fishermen performed the ghastly office. The speech of the dead was distinctly heard by the boatman; their weight made the keel sink deep in the water, but their forms were invisible to mortal eye. Such were the marvels which an able historian, the contemporary of Belisarius, of Simplicius, and of Trebonian, gravely related in the rich and polite Constantinople, touching the country in which the founder of Constantinople had assumed the imperial purple."\*

Now, unless we be sadly misinformed, this is a strange bundle of mistakes. For the passage of Procopius alluded to has nothing to do with the island of Great Britain, or any province of it. On the contrary, Procopius locates the serpents in an island called Brittia; not in any province of it, but in the whole island; and adds withal the story of Charon's ferry; but, instead of relating it "gravely," prefaces his account with a distinct statement that he does not believe it; but says so many have told him of it, that he might seem ignorant of the state of Brittia, should he omit it. Procopius, indeed, often speaks of Great Britain as Britannia, and in one of his works. (Bell. Va.) he gives a full account of the revolt of Britannia from the Romans, and of the election of Constantine as emperor by the soldiers then on service in that island. From all which it would seem that he regarded Brittia and Britannia as two distinct places; and accordingly he elsewhere says, "The island of Brittia is in the ocean, not more than 200 stadia from the shore, opposite the mouths of the Rhine, between Britannia and Thule." However erroneous, therefore, Procopius may have been in his geography, it seems pretty clear, that to his mind Brittia, with its serpents, and ghosts, and malaria, was not the island where the soldiers elected Constantine to the empire.† To return to the article on Johnson and Boswell.

Mr. Macaulay has several other remarks on Mr. Croker, equally amiable with those already quoted. After alleging against

\* Vol. I, p. 5.

† London Athenæum, Feb. 17, 1849. See, however, Gibbon, *Decline and Fall*, chap. xxxviii, near the close.

\* *History of the Rebellion*, p. 742. Oxford, 1843.

him three rather remarkable mistakes, the gentle reviewer adds, "Two of these three errors he has committed while ostentatiously displaying his own accuracy, and correcting what he represents as the loose assertions of others." Again; "It is not likely that a person who is ignorant of what almost everybody knows, can know that of which almost everybody is ignorant." Again; "Indeed, the decisions of this editor on points of classical learning, though pronounced in a very authoritative tone, are generally such, that if a school-boy under our care were to utter them, our soul assuredly should not spare for his crying." Finally; "If Mr. Croker is resolved to write on points of classical learning, we would advise him to give an hour every morning to our old friend Corderius."\* From all which it would seem that our great critic's virtue outstrips his invention; his graces of mind and manners are more than he has "imagination to give them shape or words to put them in;" for which cause he is quite excusable in thus repeating again and again the same manly and generous allusion. And, truly, the jest is so pretty and so original, who can blame him for often recurring to it, and dandling it, and doting upon it? Doubtless the author's ebullient, tumultuous good-nature caused him to overlook the exquisite vulgarity of his iterations. But seriously, we are far from thinking it a very criminal thing in a man to make such mistakes as Mr. Macaulay has alleged against Mr. Croker, or as we have alleged against Mr. Macaulay; but really we cannot see what virtue or wit there is in visiting such mistakes with a severity due only to moral vices, while falling into similar mistakes himself. But even granting Mr. Croker to have deserved the usage here put upon him, it seems strange how any man of but tolerable self-respect, could stoop to such treatment of another. For if a man be so exceedingly vile and mean, that we can have nothing to do with him unless it be to spit upon him, one would think it were best to let him alone, or at least, not to make an occasion and go out of our way to attack him. But Mr. Croker's great mistake, we suspect, is, that he "fears God and honors the king," and this is a mistake with which

we are not aware that Mr. Macaulay has ever been charged.

Mr. Macaulay's treatment of Boswell and Johnson is much of a piece with that of Mr. Croker; indeed, the whole article is chiefly made up of a rather unnecessary display of small learning and great insolence. Many of his remarks on Boswell are such as we do not deem ourselves worthy to repeat. Johnson he allows to have been a man of some benevolence, and on that account not undeserving of praise; yet he does not scruple to load him with such phrases as "the last of Grub-street hacks," and an "ill-dressed, coarse, ungainly pedant;"\* and his whole account of Johnson's struggles with poverty and want, is such as we cannot well see how a man of honorable and humane feelings could have given; its tendency being only to excite in the reader a disgust and contempt of that brave, noble, and though rough yet gentle spirit, for the very reasons that ought to draw upon him the greater honor and respect. Though professedly writing a criticism on Johnson, he does not once allude to his greatest work, the Dictionary; whether from contempt of it, or because he could find nothing in it to sneer at, may be a question: yet he finds room for a wretched scoff about Johnson's "celebrating the close of Lent with sugarless tea and butterless buns."† Elsewhere† he calls this great and good man "a bigot," which indeed is the gentle word whereby this great professor of liberality usually designates those from whom he happens to differ in opinion. And it is considerable, that even in treating of Johnson's acknowledged virtues, his piety, benevolence, patriotism and honesty, Mr. Macaulay, either from some unhandsome design, or from a spontaneous malignity, sets them forth in such a way, and confines his notice to such manifestations of them, that the reader, if he be at all in sympathy with the writer, thinks rather the worse of the good Doctor for having them. But this, in fact, is Macaulay's usual method of treating the characters of those whose opinions he dislikes, but whose virtues he cannot deny. For example, in the great

\* Essays, pp. 137, 138.

\* Essays, p. 145.

† Ibid., p. 147.

† History.



Duke of Marlborough, he professes to find no one virtue save an unconquerable attachment to the English Church; and he takes care to represent this virtue in such a manner, that the Duke may appear the worse for cherishing, and the Church the worse for inspiring it. Does he fear lest some men's virtues may recommend their opinions, that he surrounds the former with grotesque and ludicrous associations, and thus contrives to provoke a good-natured ridicule upon characters whom every good principle and every right feeling bids us venerate? We hope our readers need not be told that it is difficult to conceive of anything more pernicious and discreditable than such a spirit as this. For, surely, to be of a temper to mock and ridicule the greatest and best of our species, indicates a state of mind and of heart that is very far from favorable to virtue or to truth. In short, this practical atheism of human virtue, which runs through nearly all that Mr. Macaulay has written, is far more vicious in itself, and far more vitiating in its influence, than the honest infidelity of a great many such men as Gibbon and Hume.

Again; Mr. Macaulay says that Johnson's "passions were violent even to slaying, against all who leaned to Whiggish principles."\* Now, if the critic had any regard for truth, why did he not tell us how to reconcile this statement with Johnson's well-known admiration and friendship for Burke; and that, too, when Burke was on all hands allowed to be as sound a Whig as any man in the party. Again; he tells us, "The judgments which Johnson passed on books were in his own time regarded with superstitious veneration; and in our time are generally treated with indiscriminate contempt."† We doubt if this be strictly true. We have, indeed, often seen and heard Johnson's criticisms questioned, canvassed and exploded, but we have never seen or heard them treated with contempt, nor does it seem credible that any man should treat them so who was competent to understand them. We believe many of his critical judgments are very erroneous; but even in his greatest errors he evinced a largeness, sobriety and rectitude of mind which, it seems to us,

must secure them a respectful consideration from every one who has a proper respect for himself. Here, again, however, we must plead our ignorance of English customs; but we feel tolerably safe in saying, that it is hardly creditable among us to treat the great instructors and examples of our race in a vain, flippant and contemptuous style, even when refuting their errors. Besides, Johnson's criticisms, compared with those of his predecessors, seem highly respectable in themselves; and our only wonder is, how with so little help he could do so much towards making the science what it now is. If we be not mistaken, Coleridge is generally ranked at the head of English critics; yet it may be doubted whether Coleridge is more in advance of Johnson than Johnson was of nearly all who had written before him. Of Johnson's efforts in this line, perhaps the "Life of Milton" is the least satisfactory; yet it is very observable, that with all his antipathy to Milton's opinions, he is incomparably more liberal and respectful towards the poet than Mr. Macaulay is towards Johnson, or even Bacon; indeed, we question whether Mr. Macaulay ever spoke so liberal and generous a word of any man as Johnson's well-known remark concerning Milton's piety. But we suspect this is one of the *few* instances wherein Mr. Macaulay has said a *little* more than he meant; for his chief virtue as a writer seems to be an itching fondness for saying smart things, which *sometimes slightly* blurs his perception of the truth.

Of these instances, we will give a few merely as a specimen, before leaving this part of the subject. Speaking of Johnson, he says: "If we judged him by the best parts of his mind, we should place him almost as high as he was placed by the idolatry of Boswell; if by the worst parts of his mind, we should place him even below Boswell himself."\* Now, we know that Johnson, with all his vigor and reach of understanding, had the moral simplicity of a child; and like many other great men of childlike natures, and in whom the religious feelings were strong and quick, he had somewhat of a childish regard for ghosts and omens and visions and dreams. Yet even these weaknesses, (for such un-

\* Essays, p. 147.

† Ibid.

\* Essays, p. 146.



doubtedly they were; nor do we suppose there is any human virtue but is clogged with some unhandsome excrescences,) seem to us to borrow a certain grace and dignity from the principle out of which they sprung. And such, we venture to say, is the view that any right-minded man would take of them; and as such he would approach them with respect, and wish to draw a veil over them; or if truth bid him not conceal them, he would in obedience to the same truth touch them gently, and take care to show them in such a way as should rather humble us than excite our mirth. Yet these are the things which Mr. Macaulay regards as "the worst parts of his mind;" which he apparently delights in unfolding, and misderiving, and exaggerating; and respecting which he tells us, that if in his best moments "some childish prejudices, such as would excite laughter in a well-managed nursery, came across him," "his mind dwindled away under the spell from gigantic elevation to dwarfish littleness."\* Speaking of Boswell, he says, "Many of the greatest men that ever lived have written biography. Boswell was one of the smallest men that ever lived; and he has beaten them all." Again; after mentioning some distinguished writers: "But these men attained literary eminence in spite of their weaknesses. Boswell attained it by reason of his weaknesses. If he had not been a great fool, he would never have been a great writer." And again; "He had indeed a quick observation and a retentive memory. These qualities, if he had been a man of sense and virtue, would scarcely of themselves have sufficed to make him conspicuous; but, as he was a dunce, a parasite, and a coxcomb, they have made him immortal."† These are but specimens of the usual agility of our author's pen: in all his many long essays there are but few paragraphs in which similar beauties may not be found. Doubtless, such things are very fine, very wonderful, very profound; but especially wonderful in this, that they enable us continually to see the author, or rather to see nothing else. It may indeed be questioned whether there be any truth in them; but those, we apprehend, who

have learned to relish Macaulay, will hardly esteem this a defect; and all must confess them to be most admirable and exquisite agitations of wit.

Some of our readers may have seen Mr. Carlyle's noble article on Johnson and Boswell, originally published in *Fraser's Magazine* in 1832. If so, they must have been struck with the contrast between Carlyle and Macaulay in the whole spirit and temper of their minds, as shown in their respective views on this subject. Perhaps we cannot better express this contrast than by saying, Mr. Carlyle evidently thinks, and would have us think, the better of Boswell for his admiration and love of Johnson; Mr. Macaulay, the worse of Johnson for being loved and admired by Boswell: with the one, Boswell seems exalted, with the other, Johnson seems degraded by the sympathy and connection between them. Carlyle, indeed, does not attempt to conceal or disguise the mean and bad qualities of Boswell; neither does he evince any unworthy delight in contemplating and exposing them; but he evidently regards them "more in sorrow than in anger," or in joy; and the manifest reluctance with which he states them, approves his just concern for the truth, in thus disclosing what he wishes were not true; while, on the other hand, he appears to take pleasure in discovering beneath them a vein of manhood which cannot choose but feel the touch and obey the call of real greatness and goodness, and which delights in the recognition and the society of what is like itself or above itself in others. Of course, therefore, he does not set forth those qualities in such a way as to excite an overbalance of disgust or contempt: on the contrary, the ill-tempered sneer which is apt to arise on a superficial view of Boswell's character, relaxes and softens down into a good-natured smile, as the reader attains the deeper and juster view which the critic gives him;—a smile of sympathy, not of scorn, and which assuredly is as much more salutary to the reader, as it is more just to the subject. Nor, on the other hand, does he endeavor to put or to keep out of sight the errors and infirmities of Johnson; but the whole is so done, that Johnson, instead of suffering in his credit from the mean and bad qualities of

\* *Essays*, p. 146.† *Ibid.*, pp. 141, 2.

his friend, appears all the greater and better for raising such a man above himself and drawing out whatever of good there was in him. Thus both of them stand before us ennobled by their strange yet beautiful connection; Boswell appearing the better for what he discerned in Johnson, and Johnson the better for what he developed in Boswell.

Now, we have little sympathy with many of Carlyle's opinions, nor have we much patience with his style; we could fill several pages with objections to them: yet we cannot but think that in this case, at least, his representation is as much more faithful to truth and fact than Mr. Macaulay's, as it is more grateful to a humane and benevolent temper. For, assuredly, contempt and enmity are quite as apt to misrepresent their objects as affection and respect; and their exhibitions are much the more hurtful, because their natural effect is to cherish in us the feeling which we are at best too apt to indulge, how much better we are than others. In the article in question, Mr. Carlyle, notwithstanding his obliquities of style and opinion, writes with a manly earnestness and simplicity which makes us feel that he is thinking and would have us think of something besides himself: if his manner be somewhat affected, it is not the affectation of a selfish, ignoble vanity. There is indeed a zeal in his representation, but it is not the zeal of an advocate: he evidently loves both Johnson and Boswell, but it is a love that bids us look at its object, not at itself; and he manifestly endeavors to clear the way for us to take a full and fair view of the persons before him, not to occupy our thoughts with his own diseased and distorted notions concerning them.

It need hardly be said, that one cannot well read Mr. Macaulay's article without feeling that with him the matter is far otherwise. He seems unwilling to be for a moment out of our sight, to let us see or think of anything but himself: there is a manifest laboring to make out a strong case, to see what he can say: he studiously pranks up the subject with the extravagances of mockery and conceit; puts upon it, as far as may be, the constructions of wit and spleen; and with morbid ingenuity rakes together an eclecticism of

vile images and phrases; and the result is a mass of exaggeration, overstatement and caricature, which is the more inexcusable in this case, forasmuch as, if Boswell had many bad and mean qualities, there was the less need of exaggerating and overstating them to produce an effect; and on the other hand, if he had few good qualities, there was the more reason that he should have full credit for those few. Moreover, unless an author be a professed satirist, the rules of good writing, as well as of good nature, require that the unhandsome features should rather be somewhat softened and idealized than caricatured; because blemishes of face are more exposed, and if made too prominent in a picture, defeat the perception of those better things which lie beneath, and which would become apparent in the varying moods and happier moments of the original. Nor should it be forgotten that justice is in its nature a fearful, cautious, painstaking principle, ever on its guard against too little or too much. Mr. Macaulay, however, seldom betrays any signs of apprehension or solicitude on this score; one would rarely suspect him of tempering and moderating his statements through self-distrust: on the contrary, he generally speaks in a very confident, peremptory tone, as if he felt, and meant the reader should feel, that he had so completely surrounded his subject, and mastered it, and got above it, that no scruples were needful in his case: he could not be mistaken; there can be no question about it; his decisions must be just; and none but a dunce would think of deciding otherwise. In short, to approve the certainty and sufficiency of his knowledge concerning those of whom he is speaking, Mr. Macaulay seldom fails to insult over them, to look down upon them, and thrust his spurs into them, as expressive of his assured conquest and superiority; in which respect he often reminds us of a class of "fervent reproachers," whom Hooker speaks of as being "always confident and bold-spirited men;" and he adds, "but their confidence, for the most part, riseth from too much credit given to their own wits, for which cause, they are seldom free from error." Which accounts, perhaps, for much of Mr. Macaulay's success; for most men are naturally some-

what modest, and experience is ever furnishing them new arguments of self-distrust; and they cannot well understand how a man should be so positive and peremptory in his sentences, unless he were going upon the most solid and unquestionable grounds.

But of all the things in this article, we confess the strongest repugnance to the author's explanation of the acknowledged merits of Boswell's book. Nor is the smartness of his sentences on this subject any compensation for their manifold and manifest absurdity. And we venture to suspect that he would never have conceived such an explanation of them, but for an overweening desire to shine in paradoxical epigrams and antitheses. Unwilling, perhaps, to deny excellencies which everybody affirmed, or to admit excellencies which he could not explain, or to explain them by any principle too deep for his appreciation, he has fallen, it seems to us, on just the shallowest and absurdest explanation that can be conceived. And his sentences look much more like the flippancies of a presumptuous, though ingenious ignorance, than like the conclusions of a sober, manly judgment. On the whole, we very much prefer the explanation given by Carlyle: that the excellencies in question were by no means in consequence of Boswell's mean and bad qualities, but solely and purely in spite of them; that he wrote a good book, not because he was a fool, but because underneath his folly there was a vein of real wisdom—an eye to discern true worth, a heart to love it, and the art (or was it the nature?) to delineate it. And one of our reasons for preferring this explanation is, that it does not encourage the readers of that book to spurn and scoff at the poor author for the very pleasure and instruction he has given them.

We have dwelt the longer on this subject here, because Mr. Macaulay's paper on Johnson and Boswell rather strikingly exemplifies the strong propensity to ill-natured caricature which pervades nearly all he has written. Of this propensity, this ostentatious redundancy of contempt and scorn, we have a very lively account in a paper on Macaulay from one of our American reviewers, which we the rather quote because it was apparently written

for praise; though we confess it strikes us as somewhat chargeable with the extravagance in which the subject of it so often indulges. "His critical severity," says this writer, "almost actualizes the ideal of critical damnation. . . . He is both judge and executioner; condemns the prisoner—puts on the black cap with a stinging sneer—hangs, quarters, and scatters his limbs to the four winds, without any pity or remorse. He subjects the commonplace, the stupid, the narrow-minded, to every variety of critical torture; he riddles them with epigrams; he racks them with analysis; he scorches them with sarcasm; he probes their most delicate and sensitive nerves with the glittering edge of his wit; he breathes upon them the hot breath of his scorn; he crushes and grinds them in the whirling mill of his logic; over the burning marl of his critical Pandemonium he makes them walk with unsandalled feet, and views their ludicrous agonies with mocking glee."\* It need hardly be said, that a man of whom this could be spoken by a professed admirer, is not one from whom much good is to be learned.

With the exception of the paper on Johnson, perhaps there is no one of Mr. Macaulay's articles wherein the bad qualities indicated in the above extract, are more intemperately displayed than in the piece on Southey's Colloquies, published in 1830; though, on the whole, there is not much to choose between this paper and the one on Bacon. The spirit of the whole article is pretty fairly indicated by the following, near the beginning: "It is indeed most extraordinary that a mind like Mr. Southey's, a mind richly endowed by nature and highly cultivated by study, a mind which has exercised considerable influence on the most enlightened generation of the most enlightened people that ever existed, should be utterly destitute of the power of discerning truth from falsehood. Yet such is the fact." Again: "In the mind of Mr. Southey, reason has no place at all, as either leader or follower, as either sovereign or slave. He does not seem to know what an argument is." And again: "A peculiar austerity marks almost all Mr. Southey's judgments of men and ac-

\* Whipple's Essays, vol. i. p. 19.



tions. We are far from blaming him for fixing on a high standard of morals, and for applying that standard to every case. But rigor ought to be accompanied by discernment, and of discernment Mr. Southey seems to be utterly destitute.\* But let not the lovers of Mr. Southey be discouraged; the gentle, the generous, the high-souled author of *Thalaba* and *The Doctor*, it seems, is not alone in this! O, no! he has a parallel, the critic tells us, in—Burke! who, though not *utterly* destitute of reason and discernment, like Southey, belonged however to the same class of minds, differing from him only in degree, not in kind. He had indeed *some* reason, but then reason with him was but the slave of passion. "Hence," says our critic, "he generally chose his side like a fanatic, and defended it like a philosopher." And again: "It is not difficult to perceive, that his hostility to the French Revolution principally arose from the vexation which he felt at having all his old political associations disturbed, at seeing the well-known boundary-marks of states obliterated, and the names and distinctions with which the history of Europe had been filled for ages, swept away. He felt like an antiquary whose shield had been scoured, or a connoisseur who found his Titian retouched."† So then, we have now at length a clear and intelligible account of the whole matter. Many, no doubt, will be or have been gratified to learn, that the darkest and bloodiest passage in the annals of our race, was quite innocent in itself, perfectly inoffensive to reason; only to Burke it was *new*; it contradicted his tastes; and his war against it was but the work of a splendid madman fighting with shadows: that for the stupendous workings of his most noble and manly soul, no deeper principle is to be sought than that of casual association; and that in his immortal words on this great theme we hear the voice, not of a wise, considerate, deeply-moved statesman, patriot and Christian, but only of a political antiquary and connoisseur. Of course Mr. Macaulay views that movement and its authors in the light of reason. Accordingly one of the gentlest censures we have

seen from him, gentler indeed than he can be fairly supposed to utter against any from whom he greatly differs in opinion, is where, speaking of this band of atheistical brethren, he ventures to suggest, that the religious system of the Middle Ages "might have seemed to deserve a more respectful mention from philosophers and philanthropists."\*

If such be his treatment of Burke, it might be expected that Southey would fare rather badly at his hands; and he does fare as badly as could be expected. Thus he tells us, "No man out of a cloister ever wrote about love, for example, so coldly and at the same time so grossly. . . . He seems to have no notion of anything between the Platonic passion of the Glendoveer, who gazes with rapture on his mistress's leprosy, and the brutal appetite of Arvalan and Roderick."† It is difficult to believe that this is spoken of the author of that most charming passage, so pure and yet so human-hearted, beginning,

"They sin who tell us love can die:  
With life all other passions fly,  
All others are but vanity," &c.

Again, he says, "What theologians call the spiritual sins are his cardinal virtues—hatred, pride, and the insatiable thirst of vengeance. . . . Almost the only mark of charity which he vouchsafes to his opponents is to pray for their conversion, and this he does in terms not unlike those in which we can imagine a Portuguese priest interceding with Heaven for a Jew, delivered over to the secular arm after a relapse."‡ Here, too, it is hard to conceive that any human being can have in his eye one of the most upright and amiable of men; a character adorned with every private and public virtue; the much-loved, much-honored of such men as Wordsworth and Lamb; and the author of that precious book, *The Doctor*, in one chapter of which is often to be found more of quiet wisdom, of kindly sympathy, of bland philosophy, and benignant good-nature, than in all we have seen of our critic's writing put together. It must be confessed, indeed, that on political subjects Southey often wrote more like a partisan than a states-

\* Essays, pp. 99, 100, 101.

† Ibid., p. 99.

\* History, vol. i. p. 7.

† Essays, p. 101.

‡ Essays, p. 101.



man; yet we never have seen anything from Mr. Macaulay written with half the candor and liberality, the calmness of temper, and kindness of feeling, and equanimity of judgment, that we meet with in Southey's most delightful and instructive biography of that great and good, but by no means perfect man, John Wesley. If Mr. Macaulay considers these works and others like them to be "totally destitute" of reason and discernment, it might be worth the while to know what he means by those two imposing words. It is true, we do not find in Southey's writings much of the brilliant but feeble declamation or of the no less attenuated than flippant and conceited logic, of which Macaulay is so consummate a master: but really we cannot persuade ourselves to think the less of them on that account.

Of this logical spider-web-spinning we have a considerable specimen, as usual, in the article before us. Mr. Southey, it seems, in one of the "Colloquies," brings in the ghost of Sir Thomas More, saying: "Nothing is more certain than that religion is the basis upon which civil government rests; that from religion power derives its authority, laws their efficacy, and both their zeal and sanction." This absurd and irrational doctrine of course the critic entirely upsets and demolishes, though it has been held and maintained by almost every considerable author that has written on the subject; and he winds up his conclusive refutation, as is his wont, with a few sprightly sneers at Southey, such as these: "He never sees at one glance more of a question than will furnish matter for one flowing and well-turned sentence;" and "We do not well know what his opinion about toleration is; but, on the whole, we take it to be this, that everybody is to tolerate him, and that he is to tolerate nobody."\* The orthodoxy whereby our critic overthrows this pernicious heterodoxy of Southey's is briefly and substantially this: The true basis of civil government lies, not in religion, but in the principles of our social nature and the necessities of the social state: men *must* live together, or not live at all; and living together, they *must* be protected in their persons and possessions

from each other's evil passions; and this word *must* expresses the real ground whereon states and commonwealths are built. To give a specimen of the *elevated* language used by our potent critic on this subject: "If Mr. Southey allows, as we think he must allow, that it is for the good of mankind in this world to have civil government, and that the great majority of mankind have always thought it for their good in this world to have civil government, then we have a basis for government quite distinct from religion." And again: "We are at a loss to conceive in what sense religion can be said to be the basis of government, in which it is not also the basis of the practices of eating, drinking, and lighting fires in cold weather."\* Unquestionably, therefore, the true stay and support of government is to be sought for in an enlightened selfishness, not in a prevailing sense of duty and moral responsibility: men need no other motives to abstain from injuring their neighbors than those which prompt them to eat and drink and make fires; and it is from the conviction of what they must do, or are interested to do as social beings, not of what they ought to do as moral agents, that "power derives its authority, laws their efficacy, and both their zeal and sanction:" religion and conscience may indeed be useful as auxiliaries in the matter of obedience to law and government, and as such no wise man will despise them, but are by no means to be regarded as the root or ground or life of such obedience.

Now we shall not attempt to refute Mr. Macaulay's reasoning, or whatever else it may be called, on this subject; for to presume that such a refutation were needful, would be little less than an insult to the understanding of our readers. We will simply produce a short passage from Hooker, not indeed to show that Mr. Macaulay is wrong, but only that Southey, however widely astray in this matter, has the happiness to err in pretty good company. "So natural is the union of religion with justice, that we may boldly deem there is neither, where both are not. For how should they be unfeignedly just, whom religion doth not cause to be such; or they religious, which are not found such

\* Essays, p. 111.

\* Essays, p. 108.

by the proof of their just actions? If they, which employ their labor and travel about the public administration of justice, follow it only as a trade, . . . being not in heart persuaded that justice is God's own work, and themselves His agents in this business; the sentence of right God's own verdict, and themselves His priests to deliver it; formalities of justice do but serve to smother right, and that, which was necessarily ordained for the common good, is through shameful abuse made the cause of common misery."\* Now it seems but reasonable to suppose, and perhaps even Mr. Macaulay would allow, that civil government can hardly stand without justice. If, then, government cannot stand without justice, nor justice without religion, we see not but that religion may be justly enough represented as the basis of civil government; though not the only thing, it may be one of the things on which government is necessarily grounded. However, we are not concerned to justify Hooker's view; it needeth not to be encumbered with our help. We will only add, that it would not be difficult to find many wise and good men, both heathen and Christian, speaking in the same or a similar strain: and on the whole it is not so very evident that men can be brought to obey government at all, unless they be taught to obey it for conscience's sake. But even if a still larger number of still wiser and better men were on Southey's side, this were no sufficient reason why Mr. Macaulay should not differ from him, and be right in so differing; but some may consider it a sufficient reason why he should not express his dissent in a contemptuous, ill-mannered, insolent flippancy.

Perhaps we may as well notice in this connection another specimen of Mr. Macaulay's small logic, skillfully used; a logic so small, indeed, that we can hardly suppose himself to have believed it, yet used so skillfully that we can easily conceive many readers to have been abused by it. It is from the article on "Church and State," where he undertakes to demonstrate, in opposition to Mr. Gladstone and divers others, that unity in the matter of the Church is an impossibility, a thing

which never has been, and never can be, and which it is the height of absurdity to expect. Now, we have no concern at present with the Church of England or with any other particular church; but if Mr. Macaulay's reasoning on this subject be good for anything, it precludes all religious unity and community whatsoever. His argument runs as follows: "Unity, Mr. Gladstone tells us, is essential to truth. And this is most unquestionable. But when he goes on to tell us that this unity is the characteristic of the Church of England, that she is one in body and in spirit, we are compelled to differ from him widely. The apostolical succession she may or may not have. But unity she most certainly has not, and never has had. It is a matter of perfect notoriety, that her formularies are framed in such a manner as to admit to her highest offices men who differ from each other more widely than a very high Churchman differs from a Catholic, or a very low Churchman from a Presbyterian; and that the general leaning of the Church, with respect to some important questions, has been sometimes one way, and sometimes another." Then, after mentioning several questions, such as "Calvinism and Arminianism," "the operation of the sacraments," and the just grounds and limits of ecclesiastical authority and private judgment, wherein there have been and are great and manifest differences of opinion, he goes on: "All these different opinions are held, avowed, preached, printed within the pale of the Church, by men of unquestioned integrity and understanding. . . . What, then, becomes of all Mr. Gladstone's eloquent exhortations to unity? Is it not mere mockery to attach so much importance to unity in form and name, where there is so little in substance? . . . And is it not clear that Mr. Gladstone is bound on all his own principles, to abandon the defense of a Church in which unity is not found?"\*

This argument has doubtless been by many regarded as perfectly decisive of the question. And if unity of opinion were the only unity possible or practicable or desirable in the Church, unquestionably it would be so; this being a sort of unity

\* Ecclesiastical Polity, Book V, ch. 1.

\* Essays, pp. 395-6

which it were manifestly ridiculous to assert, and vain to expect. But then it so happens that this is a kind of unity which, we will venture to say, no man in his senses ever thought of asserting or of expecting. The truth is, opinion is in no wise the proper matter of ecclesiastical, any more than of civil or of domestic unity; nor is it easy to read any considerable writer on the subject half an hour without ascertaining so much. And cannot Mr. Macaulay conceive of such a thing as unity of interest, or affection, or spirit, or organization, with diversity of opinion? Is a man bound to consider his own opinions infallible, and so make them matters of conscience, and esteem them above everything else? May not several persons unite in loving and cherishing the same object, without holding the same opinions concerning that object? May not a man think freely and have his own opinions, without preferring them to everything else, to father and mother, or wife and children, or country, or Church? Cannot a man and his wife differ in opinion without breach of that sacred unity in which it is their duty and honor and happiness to live? Nay, cannot a man differ from himself, change his opinions (Mr. Macaulay tells us he has changed his) without ceasing to be at unity with himself? Must any man, does any wise man conceive his own opinions to be so unquestionably and infallibly true, as to be willing to break charity, and commit civil or domestic or religious schism, and curse all who dissent from him, for the sake of them? For example, there are among us many and great differences of political opinion; but is there any American so unworthy of that great and glorious name, so smitten with his own wisdom, so conceited and selfish and base, as to prize his opinions above his country, or above his country's welfare or honor? In short, must a man's opinions, those mushrooms of the brain, be dearer to him than any or all other objects? And if so, what is this but to make his opinions his god? Shame, then, on this everlasting ado about our opinions, as if these were the greatest blessings Providence had vouchsafed us! If we cannot find any other and better things to love than our opinions, the Lord help us, and send us at least a grain of sense!

Undoubtedly we are all of us apt to indulge an overweening fondness for our opinions; and this is especially the case now-a-days, insomuch that divers people make it their chief care to hatch a new litter every little while, to the end, apparently, that they may use them as a capital wherewith to set up and carry on the trade of reformers. But this fecundity and fondness of opinion is but one of the forms, and certainly not the least offensive form of that selfishness whence so many evils spring. "For man naturally is scarce so fond of the offspring of his body as of that of his soul. His notions are his darlings; so that neither children nor self are half so dear to him as the only-begotten of his mind."\* And perhaps this is one, and by no means the least of the evils which it is the very office and aim of the Church to cure, by inspiring us with sentiments and attachments, and by giving us loves and cares and aims and objects and hopes and comforts for which we may be willing to sacrifice these puny sprouts of the brain. Who knows but that the Church may be among the chief means appointed "to keep the soul low and humble, and to check those self-complacencies which it is apt to grow into by an overweening conceit of its own opinions, more than by any other thing whatsoever."†

So much for Mr. Macaulay's famous argument to show that there neither is nor can be any such thing as unity in the Church, because we know, forsooth, that there always has been, and from the constitution and condition of the human mind, must needs always be more or less diversity of opinion. And sure enough, if there can be no unity but this, then it must be confessed that unity in the Church is an impossible, or, at least, an impracticable thing: nor is there any remedy at last but every man must be his own church; and when this is the case, it probably will not be long, but every man will be his own god. And the same argument holds equally good in respect of the family and the state; for unity is as inconsistent with diversity of opinion in these as in the Church: so that nothing apparently hinders that we must come to this, that

\* Dr. South, *Serm.* xxx.† *Ibid.*



every man is to be his own commonwealth, with a chief magistrate under him. Assuredly, it is not the having their individual opinions, (though it is considerable that wise men are apt to have but few of them, and to set but little by those few,) but the making too much of them, the being unreasonably fond of them, and as unreasonably persecuted for them; it is not the differing in their minds and views, but the preferring their inward, airy and ineffective notions to certain outward, substantial and ennobling objects; this is the main cause that has split men into so many religious sects and parties, and set or kept them at enmity and strife. And surely it cannot be out of place to remember here, that, according to a no less profound than beautiful test, we are to "know that we have passed from death unto life, because we love the brethren," not because we love our own opinions. In the strength of which principle, overcoming the dividing forces of self-wise or self-willed opinion, there is room enough for unity: nor can it be amiss to urge and exhort men to such unity so long as those dividing forces continue to operate; and if, as things now are, we cannot have so much unity as might be desired, this is no good reason why we should not endeavor to have as much as we can. And instead of laying so much stress on opinion, as if this were the only matter of unity, how much better would it be to remember the maxim acted upon of old, by different parties in the Church, that "Catholics, as Catholics, agree always in matters of faith, and good Catholics never break charity, but the best Catholics, as men, may vary in their opinions."\* Perhaps it should be remarked, before we leave this subject, that both here and elsewhere in this article we use the word Church not in any exclusive or invidious sense, but as expressing the very idea and principle of religious society, leaving it to every man to decide for himself what and where the Church is; but withal assuring him that, whatsoever and wheresoever he may conclude the Church to be, it will not be much for his own good to esteem her of less importance to him than his opinions; and that, if he

can consent to be in unity and fellowship with others on no ground but this, then he has much reason to suspect, that instead of loving and seeking truth, he is but hugging his own brain-sick notions and fancies dressed up in her imagery.

We know not how we can better close this episode, already much too long, than in the words of Jeremy Taylor: "Although the Spirit of God did rest upon us in divided tongues, yet so long as those tongues were of fire, not to kindle strife, but to warm our affections and inflame our charities, we should find that this variety of opinions in several persons would be looked upon as an argument only of diversity of operations, while the Spirit is the same." And again: "It is not the differing opinions that is the cause of present ruptures, but want of charity; it is not the variety of understandings, but the disunion of wills and affections; it is not the several principles, but the several ends, that cause our miseries; our opinions commence and are upheld according as our turns are served, and our interests are preserved, and there is no cure for us but piety and charity." And finally: "All these mischiefs proceed not from this, that all men are not of one mind, for that is neither necessary nor possible, but that every opinion is made an article of faith, every article is a ground of quarrel, every quarrel makes a faction, every faction is zealous, and all zeal pretends for God, and whatsoever is for God cannot be too much: we by this time are come to that pass, we think we love not God except we hate our brother, and we have not the virtue of religion unless we persecute all religions but our own."\*

As for Mr. Macaulay, from the way in which he frequently decides theological and ecclesiastical questions, in both his Essays and his History, one might suppose he had spent a whole life in studying them, or rather, perhaps, that he had never studied them at all. For with an amount of furnishing that might indeed be somewhat remarkable in an undergraduate, he pronounces in a most positive and peremptory manner on subjects where a Bull, a Pearson, or a Waterland, in the fullness of his faculties and furnishings,

\* Fuller, Church History, vol. vi, p. 74; Oxford, 1845.

\* Introduction to Liberty of Prophesying.

could hardly be brought to give more than a probable opinion one way or the other. This way of proceeding in "doubtful disputations" might be pardonable, though scarcely commendable, in an undergraduate; but surely something else might be looked for in one who has had time to outgrow the style of a sophomore; especially since, as he himself tells us, he has already in some instances changed his opinions. But perhaps he is one of those who, instead of becoming more modest and distrustful of their opinions from having often changed them, always mistake such change for progress, and so grow more certain and positive in their opinions the oftener they change them.

One of the cleverest passages in Mr. Macaulay's Essays is in the article on Moore's Life of Byron, where he unfolds the distinction between truth to nature and mere correctness in works of art; between that which produces the intended effects, and that which merely conforms to certain prescribed rules.\* Perhaps no one passage has been oftener referred to as evincing the author's great powers of thought and expression. The idea of the passage is certainly a very just and important one, and no one can complain that he has not brought it out with sufficient clearness and force. But the idea, as every well-read man must know, had become a commonplace in criticism long before Mr. Macaulay took hold of it. Yet no one can deny that the idea, however old and unoriginal it may be, is large and valuable enough to make a full, strong, rich and generous sentence, or even paragraph, in any essay on the subject. The only ground of complaint therefore is, that while the idea had already become a critical truism and grown old in the service of letters, the author has compelled it to perform an amount of rhetorical labor which the most novel and original idea could not with justice be made to undergo. That vast disproportion between the expression and the matter expressed, between the illustrations and the thing illustrated, which so highly distinguishes Mr. Macaulay's writings, is here displayed in great fullness. The passage, however, very happily exemplifies one quality, in

which we doubt if Mr. Macaulay has any superior; for we have met with no author that comes near him in the singular merit of doing the thinking all up to the reader's hands, instead of requiring or inducing the reader to think for himself, which is probably what most readers like. For it is quite remarkable, that a reader of very little capacity and still less preparation, may go over this passage, as over nearly all the author has written, in a perfect gallop, understanding and exhausting the whole as he goes. The matter is so plainly and so exquisitely turned all into surface, that no one ever thinks of stopping to look round the corners or between the parts, to see if there be not something that he is likely to miss. In short, the author has, if possible, an excess of perspicuity; and in his continual endeavors after this he generally takes care to omit or explode everything but what he can make intelligible to the most moderate capacity without the slightest effort. All this, to be sure, does not hinder that Mr. Macaulay may be a great thinker; it only infers him a much greater rhetorician. Eggs are certainly excellent meat, whether a man lays them himself or not; they are very nutritious and not very hard of digestion; and Mr. Macaulay beats all the men we know of at whipping them into syllabub. Before we leave this subject, it is but just to confess that the above-mentioned passage, after all, is probably about as original as anything the author has written.

It would hardly be right to wind up a notice of Mr. Macaulay's Essays, without adverting to the paper on Bacon, which probably exemplifies the qualities and working of his mind better than anything else he has written except the History, and has done more perhaps than any other of the Essays to favor the notion that "he was master of every species of composition." In some respects Bacon was undoubtedly both one of the best and one of the worst subjects he could have fallen upon; one of the best for him to exhibit himself in, and one of the worst for him to do justice to: for in Bacon's character there was a strange mixture of good and bad, out of which a skillful advocate could easily make strong cases and effective points; while in his philosophy there is a

\* Essays, p. 120.

depth and vastness, a rich, intricate, manifold complexity, from which a man of one idea may readily draw materials for the support of his favorite theory. It seems to have been necessary for Mr. Macaulay's purpose, that all the bad and weak points in Bacon's character should be singled out and swollen into unnatural prominence, that the critic might indulge with sufficient effect in the rhetoric of condemnation; and that his philosophy should be shorn of its glory, and desiccated of its life, and shrivelled into a shallow, barren, earth-born utilitarianism, that he might indulge with similar effect in the rhetoric of eulogy. Thus, to the end that he may satisfactorily display himself in the censure of the one and the praise of the other, he caricatures and spoils them both. And in his continual effort after brilliancy and effect we see, as usual, much of the critic, but little of the real subject whereof he pretends to be speaking.

Now, if it be true that the life and writings of this wonderful man furnish a singularly inviting field for the exercise of a vain, flippant, dashing rhetoric; it is also true that scarce any field can be named wherein such a style of writing were more out of place. For whatever may have been his faults as a man, or his merits as an author, assuredly neither are to be handled with justice to the subject, or with benefit to the reader, unless approached in a temper and frame of mind far other than that indicated by the style in question. For this Macaulaian intemperance of rhetoric is one, and certainly not the least hurtful, of those "peccant humors" which Bacon designates as "idols of the den;" and concerning which we may justly say in reference to the whole subject of Bacon's character and philosophy what Bacon himself says on another subject: "These idols must with firm and solemn resolution be abjured and renounced, and the mind must be thoroughly purged and cleansed of them; for the kingdom of man, which is founded in the sciences, can scarce be entered otherwise than the kingdom of God, that is, in the condition of little children."\* Nor will it be amiss to remember here another admonition from this most profound, comprehensive, and, we

will add, ingenuous mind: "Knowledge, be it in quantity more or less, if taken without the true corrective thereof, hath in it some nature of venom or malignity, and some effects of that venom, which is ventosity or swelling. This corrective spice, the mixture whereof maketh knowledge so sovereign, is charity; for so the apostle saith, 'knowledge bloweth up, but charity buildeth up;' and in another place, 'if I spake with the tongues of men and angels, and had not charity, it were but as a tinkling cymbal.'"<sup>†</sup>

Of course everybody remembers Pope's verse, describing Bacon as

"The wisest, brightest, meanest of mankind;"

which verse contains not much indeed of poetry, but more of poetry than of truth. Mr. Macaulay's article is little more than this verse, prodigiously expanded and blown up; much of it being written very much in the style of what follows:

"The difference between the soaring angel and the creeping snake was but a type of the difference between Bacon the philosopher and Bacon the Attorney-General—Bacon seeking for Truth and Bacon seeking for the Seals. Those who survey only one-half of his character may speak of him with unmixed admiration, or with unmixed contempt. But those only judge of him correctly who take in, at one view, Bacon in speculation and Bacon in action. They will have no difficulty in comprehending how one and the same man should have been far before his age and far behind it; in one line the boldest and most useful of innovators, in another line the most obstinate champion of the foulest abuses."<sup>†</sup>

Now, though there is a degree of truth in the above statements, they are by no means true in the degree to which they are pushed. But Mr. Macaulay seems incapable of moderation; passionately fond of extremes, and scorning "the golden mean" in which all right, and justice, and truth reside, he must needs state everything in excess, and prefers apparently to say nothing, unless he may speak in superlatives; all of which might be better put up with, if it seemed to spring from the

\* *Novum Organum*, Book I, Aph. 69.

\* *Advancement of Learning*, Book I.

† *Essays*, p. 259.



enthusiasm of thought, and not from ambition to startle and amaze. He therefore represents Bacon as far guiltier of practical abuses, and far bolder in speculative innovation, than the calm, sober student of his life and works would ever imagine him to be. To make good this representation, everything doubtful or reprehensible in Bacon's conduct (and that there was much of this, probably none will deny) is strangely exaggerated and overstrained; while at the same time everything, both personal and circumstantial, that would go to temper and moderate and relieve the bad impression, (for there was much of this also,) is as strangely overlooked or suppressed.

Though Bacon's character should in no wise be held up as a model of virtue and honor, neither can it with any justice be set forth as a special mark of abhorrence or contempt. Morally, he does not appear to have been much, if at all, in advance of his age; though we suspect it would be found, on due examination, that there were many public men of the time below him, where there was one above him, in this respect. He was not only greatly admired as a thinker, but deeply loved and honored as a man, by many of the best and purest men of the age; which could hardly have been the case but that, with all his blemishes, he had great moral and social virtues. Though often straitened for means, he was always very generous to his servants: his temper and carriage were eminently gentle and humane: he was never accused of insolence to any human being, which is the common pleasure of mean-spirited men: he did all that wisdom and friendship could do to keep Essex and Villiers out of crime, and never deserted either of them until other and higher attachments compelled him: his conduct in Parliament was always manly, his views as a legislator were liberal, and leaning strongly towards improvement; and if on one occasion he crouched more than we might wish under the stern rebuke of the queen, it was no more than the whole House of Commons had often done before him: it is not pretended that he ever gave an unjust or illegal judgment as chancellor: his private life was blameless, and abounding in works of piety and charity: and his losing the favor, if in-

deed he did not incur the anger, of the king and Buckingham, when they were in the full career of rapacity and corruption, should perhaps be taken as proof that he had resisted them as much as he could without losing the power to resist them at all. Hallam, who is far enough from sparing Bacon's faults, and whose censure sometimes appears to verge upon excessive severity, admits, however, that "with all his pliancy, there are fewer overstrained expressions about the prerogative in his political writings than we should expect;" and that, "though his practice was servile, his principles were not unconstitutional;"\* which is no slight praise for a statesman of those times. And one might hesitate to believe that "the meanest of mankind" could have written the following to a favorite of James I; especially, considering how much power that favorite had to crush whom he feared, and how much reason to fear one that told him the truth: "As far as it may lie in you, let no arbitrary power be intruded; the people of this kingdom love the laws thereof, and nothing will oblige them more than a confidence of the free enjoying of them; what the nobles upon an occasion once said in Parliament, '*Nolumus leges Angliæ mutare*,' is imprinted in the hearts of all the people."† From this and other like passages we may perhaps infer why that accomplished profligate joined in crushing so wise and just a counsellor. With an imperious master, a rapacious minister, and a servile court, it strikes us as rather a matter of grief than of wonder that Bacon should have stooped to some unworthy and ill-favored compliances; and when we duly weigh the temptations of his place, perhaps we shall conclude it better to pray that we be not led into similar temptations, than to censure him too harshly for yielding to them.

One of Mr. Macaulay's severest charges against Bacon is for writing the "Declaration of the Treasons of Robert, Earl of Essex." The earl, he informs us, was a great favorite with the people, and "his fate excited strong, perhaps unreasonable feelings of compassion and indignation. The queen was received by the citizens of

\* Constitutional History, p. 206, note, Harpers.

† Advice to Sir George Villiers.

London with gloomy looks and faint acclamations. She thought it expedient to publish a vindication of the late proceedings;\* and she imposed upon Bacon the task of drawing up that vindication. Mr. Macaulay does not question the truth of what Bacon afterwards alleged in excuse of the act, "that he wrote it by command; that he considered himself as a mere secretary; and that he was not answerable for the matter of the book, he having furnished only the arrangement and the style." But the pith of the censure is, "Why did he endow such a purpose with words? Could no hack-writer, without virtue or shame, be found to exaggerate the errors, already so dearly expiated, of a gentle and noble spirit?"†

A thing bearing some resemblance to this was done after the execution of Charles I. This act, as everybody knows, was received by the nation with one long, loud, deep, agonized groan of horror and execration; whereupon the "patriots" "thought it expedient to publish a vindication of the late proceedings." The person pitched upon for the work was John Milton, who probably has the merit of furnishing both the matter and the style of a book enriched with such passages as this: "But Charles murdered both his prince and his father, and that by poison. For, to omit other evidences; he that would not suffer a duke, that was accused for it, to come to his trial, must needs have been guilty of it himself."‡ Of this performance, Mr. Macaulay says:—"Though we think the conduct of the regicides blameable, that of Milton appears to us in a very different light. The deed was done. It could not be undone. The evil was incurred; and the object was to render it as small as possible. We censure the chiefs of the army for not yielding to the popular opinion; but we cannot censure Milton for wishing to change that opinion. . . . For the sake of public liberty, we wish that the thing had not been done, while the people disapproved of it. But for the sake of public liberty, we should also have wished the people to approve of it, when it was done."§

Now we bring up these two cases, not so much for the purpose of justifying either Bacon or Milton, as of showing the singular pliancy and versatility of Mr. Macaulay's logic. Can it be believed that a man who was governed by firm principle, and was not in some degree the servant of occasion, would so contradict himself on a mere change of persons. Mr. Macaulay cannot well deny that the execution of Essex was lawful, while that of Charles was in utter violation of law. Why, then, if knowledge seasoned with charity was his object, could he not add that the execution of the earl, whether just or not, and whatever may be thought of the part Bacon took in his trial, was done, and could not be recalled; and it could not be very criminal in a minister of state to endeavor to prevent the evils likely to arise from the ignorance and anger of the people? Why should he brand the act of Bacon as an effort to murder the fame of one who had already expiated his offenses, and yet praise the act of Milton as the endeavor of a patriot to appease "the ravings of servility and superstition?" As to these two vindications, we confess our judgment of the writers would depend a good deal on whether they told the truth; whether in the pursuit of good ends, or ends which they may have thought to be good, they were careful to use none but just and honorable means; though we are apt to question the virtue of a purpose that requires or prompts the use of bad means: and on this score, we apprehend the issue would not be much to the disadvantage of Bacon.

But the darkest passage in Bacon's life, as we think, and as Mr. Macaulay thinks, is that involved in the charge of bribery and corruption, which brought on his fall. Nor do we suppose any full justification of him in this matter can be fairly made out; but we see no reason why the illustrious sufferer should not have the benefit of counsel in procuring a mitigation of the penalty; and that, as well in respect of his character when dead, as of his person while living. Now it is quite notorious and unquestionable, that for chancellors to receive presents, both from suitors in chancery and from other persons, was customary and common in Bacon's time, and had been so for a hundred years, both

\* *Essays*, p. 253.

† *Ib.*, p. 255.

‡ *Prose Works*, vol. ii, p. 81. Philadelphia, 1847.

§ *Essays*, p. 14.

in England and in other European states. And indeed Mr. Macaulay allows this: "That these practices were common, we admit. But they were common, just as all wickedness to which there is a strong temptation always was and always will be common. They were common, just as theft, cheating, perjury, adultery, have always been common."\* But, surely, this is a very disingenuous and unbecoming piece of chicanery. For, if such things as theft, perjury and adultery were common, they were also uniformly regarded, and, when known and proved, punished as crimes; whereas the receiving of presents was not only common, but was so far from being looked upon as criminal or disreputable, that men of great general integrity and esteem were known to practice it; concealment was scarce attempted: nor does Mr. Macaulay produce, or so much as pretend, a single instance before Bacon wherein, common as was the practice, chancellor or other minister suffered loss of place or reputation under such a charge: only he asserts in general terms that the practice, though common, "was in the highest degree odious." To make good which assertion he cites a passage from honest "father Latimer," which, however, if it prove anything, proves the reverse of what it is cited for. The good bishop says: "Nowadays they call them *gentle rewards*. Let them leave their coloring, and call them by their Christian name, bribes." Why this should be quoted to prove that the practice "was in the highest degree odious," is not a little strange; the passage naturally inferring, what is known well enough from other sources, that the thing had grown so common as to be carressed under an euphuism. The bishop evidently saw with sorrow that a bad custom had become respectable; and he deserves credit for boldly endeavoring to remove it; but there is no evidence that his labor was at all successful. On the contrary, the practice seems to have continued and even increased down to the time of Bacon; the continual plundering of the Church stimulating the passion for wealth and expense much faster than the Reformation quickened the sensibility of virtue and honor.

All which may indeed indicate a low standard of public morals, but not any peculiar guilt in one who did not rise above that standard. Undoubtedly it was "a custom more honored in the breach than in the observance;" yet those who complied with it are fairly entitled to all the mitigation that custom ordinarily brings. Nor does there appear any reason to doubt the truth of Bacon's words to Buckingham: "Howsoever I have acknowledged the sentence just, and for reformation fit, I have been the justest chancellor that hath been in the five changes since my father's time." It is true that Sir Thomas More in the reign of Henry VIII., and Sir Augustine Nicholls in the reign of James I., had the virtue to refuse such presents as Bacon and many others accepted. Yet the fact of presents being offered without offense to men of such clean hands and pure hearts, shows how general the custom was, and how far from being in the highest degree odious. Doubtless these righteous men should be mentioned with special honor for thus discountenancing the corruption of the times; but it does not follow that one should be branded with infamy for not being an exception to the general rule, when these exceptions were so rare and so distinguished.

It is pretty well known that upon taking the Seals Bacon relinquished a salary of £7,600 a year for one of only about £910, which was quite inadequate to his reasonable expenses, and was probably left so small in the expectation that it would be made up by the presents of those whom he served. For the practice in question seems to have grown up in part through default of sufficient public remuneration to official persons; so that there was some ground for regarding such presents rather as fees than as bribes. Moreover, it is not denied that of the twenty-two instances charged upon Bacon, in the greater number the presents were received long after the causes were ended; in some they were received before judgment was given indeed, but then the decisions were against the donors; and in others they were openly and publicly made. All which considered, there appears but little to hinder our crediting the sufferer's no less pathetic than penitent

\* Essays, p. 267.



words: "For the briberies and gifts wherewith I am charged, when the book of hearts is laid open, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times."

To get over the cases wherein Bacon had given judgment against the donors, Mr. Macaulay resorts to the *presumption* that he had received still larger gifts from the other side. Which surely evinces rather the desire of an advocate to carry his cause, than the solicitude of a judge to decide fairly according to the facts before him. It is needless to dwell on the insecurity of the best man's reputation, if this method is to be followed. But this proceeding becomes doubly offensive when we remember (what Mr. Macaulay doubtless knew; or, if he did not, then his ignorance only aggravates his presumption,) the prodigious industry that was used in hunting up matter against this great man; insomuch that he complained: "But Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul; especially in a time when greatness is the mark, and accusation is the game." Now Bacon's enemies were so straitened for matter against him, that they saw fit to include things in which Mr. Macaulay admits "there was no gross impropriety." Yet the donors against whom Bacon had decided were at their service, and were openly interested in the prosecution; and of course they could not be ignorant who were on that other side from which still larger gifts had *probably* been received: nor is it easy to see how anything but a very ungenerous wish to make guilt where it was hardly to be found could suppose that in so great a scarcity of matter so sure and obvious a clue to other matter would have been left unemployed.

But the unhandsoimest thing of all in Mr. Macaulay's special pleading on this subject, is his urging against Bacon the relinquishing his defense and the sending in his "humble submission" instead thereof; when it is notorious that he did this at the positive command of the king

and the urgent solicitation of the favorite. The constrained and reluctant giving up of his cause Mr. Macaulay resolutely attributes to consciousness of guilt and despair of success; and that, too, in the face (or was it in ignorance?) of his express declaration: "The law of Nature teaches me to speak in my own defense. With respect to this charge of bribery I am as innocent as any born upon St Innocent's day. I never had bribe or reward in my eye or thought when pronouncing sentence or order. If, however, it is absolutely necessary, the king's will shall be obeyed." Nor can Bacon's compliance be fairly attributed to peculiar "meanness of spirit," considering the general obsequiousness and servility of the time, as was often shown by the Commons, perhaps the least obsequious and servile part of the nation.

The truth seems to be, that in the case of Bacon, as hath often happened in other cases, the accumulated faults of the office were visited on the individual incumbent. He had done far more official work than any former chancellor in the same space of time; nobody pretends that he had ever failed to do his work well; and his labors were rewarded, as eminent services are often rewarded in this world, with official disgrace and death; and that, too, for abuses which he certainly did not cause and probably could not cure. Nor, perhaps, could they have been effectually cured but by the destruction of the very man who was least guilty of them, and at the same time the greatest that had complied with them: by such a sacrifice they might indeed become so unspeakably odious, that even the worst men would take care to shun them. At the advice of Bacon himself was called together the parliament that crushed him. The parliament was hot and stout, as it had reason to be, against the maladministration of the state. But they were more just in their anger than discriminating as to its objects. They demanded victims, and were more concerned for the greatness than for the guilt of the persons sacrificed. Bacon, probably by his virtue, had already offended the favorite and through him had lost his former hold on the king. In some respects he would be a most acceptable sacrifice; for, whether guilty or not, the

very height whereon he stood would make his fall the more exemplary. There were enough that wanted the place, and to cover their own ambition they could easily pretend his corruption. Besides, if parliament could not get the chancellor, they might entertain the thought of striking higher. And, indeed, the king and Buckingham seem to have been apprehensive that Bacon might triumph, should he proceed in his own defense, (for who but an angel or a brute could be expected to resist so potent an enchanter, coming to the rescue of his good name?) in which case the popular resentment, sharpened by defeat, might turn to other objects and demand a dearer sacrifice. At all events, "a sop for Cerberus" was indispensable.

"Whether the tyranny be in his place,  
Or in his eminence that fills it up,  
I stagger in. But this new governor  
Awakes me all the enrolled penalties,  
Which have, like unscoured armor, hung by  
the wall  
So long, that nineteen zodiacs have gone  
round,  
And none of them been worn; and, for a  
name,  
Now puts the drowsy and neglected act  
Freshly on me:—'tis surely for a name."

Nothing can be more unfair than to attribute the crushing of Bacon to any peculiar hatred of bribery; it sprang rather from the general and just resentment of the nation at the tyranny and rapacity of the government; a resentment that was right in striking, but wrong in the place where it struck. It is remarkable that some have argued the guilt of Bacon mainly from the fact of his being condemned. Yet the very next act of parliament was one which nobody thinks of defending, and of which Hallam says: "There is surely no instance in the annals of our own, and hardly of any civilized country, where a trifling offense, if it were one, has been visited with such outrageous cruelty."\* The case was this: one Floyd, a Catholic barrister, in speaking of the titular king and queen of Bohemia, who were Protestants, had expressed his satisfaction "that goodman Palsgrave and goodwife Palsgrave" had

been driven from Prague. For which offense he was adjudged to be degraded from his gentility, and held an infamous person; to be pilloried four times for the space of two hours each time; to ride once from the Fleet to Cheapside and once to Westminster on horseback, with his face to the horse's tail; to be branded in the forehead with the letter K; to be whipped at the cart's tail from the Fleet to Westminster Hall; to pay a fine of £5000, and be imprisoned for life.\* Perhaps this act of the parliament may serve to remind some people of the proceedings of the Star-chamber a few years afterwards. Are we to regard the punishment of Bacon and of Floyd as any just argument or measure of their guilt? The king endeavored to arrest the proceeding against Floyd; for parliament had not the least show of right to meddle in the matter at all; but his endeavors ended in greatly augmenting the severity of their sentence. Such was the scrupulous justice of parliament in those times!

Such, then, are our views of this great man's character; and whatever may be thought of them, we are confident they have not been taken up without a pretty reasonable examination. The truth is, we can think of no uninspired man to whom all men of the present age are so much indebted; and it seems as if we had rather ungenerously endeavored to indemnify ourselves for his acknowledged greatness by exaggerating his faults. Moreover, we are one of "the next ages" to which he left his "name and memory;" and, for one, we are unwilling to withhold the "charitable speeches" which he trusted to receive. It is surely for our interest to do justice to his fame.

Yet, with all the mitigation which the circumstances appear to warrant, we conceive there is still room for no little blame. We have spoken of Mr. Macaulay's censure as being excessive; rather, he makes out an excess of matter whereon to ground it. For our readers err, if they suppose, that because we think Bacon far less criminal than Mr. Macaulay represents him, we therefore incline to blame him less than he does. For nothing is

\* Constitutional History, p. 208. Harpers.

\* Hallam, p. 207. Lingard, vol. vi, p. 124 Paris. 1840.

more certain than that men often overstate the criminality of others for the very reason that they do *not* feel it, their exaggerations springing from dullness, not from quickness of moral sensibility. Hence their censure is just as disproportionate to the charges they make, as those charges are to the facts upon which they are based. And in reading Mr. Macaulay, one is often struck with the inadequacy of the blame to the weight of the accusation; except where he finds something he can call bigotry or superstition; then, indeed, the inadequacy is all the other way. Thus in the article before us he spares no pains to multiply and magnify Bacon's offenses; he allows no mitigation, no relief, and even browbeats those who presume to urge it; yet he at last assures us that after all Bacon was not a bad man. Wherein we agree with him; but we could by no means say so, if we thought Bacon to be what he represents him, an ingrate, a sycophant, a taker of bribes, and "the most obstinate champion of the foulest abuses." Near the opening of this article, he says: "The genius of Sallust is still with us; but the unfortunate husbands who caught him in their houses at unseasonable hours are forgotten;" and, surely, one who can thus jest and trifle with the crime of adultery, can hardly be expected to feel a genuine, hearty moral repugnance to any crime whatsoever. So that his moral caricaturing of Bacon and others should probably be looked upon as a matter of rhetoric merely, not of virtue. But the practical mischief of such things is, that they minister to license, not to edification.

Nor does he enact the advocate less in respect of Bacon's philosophy than of his character. Intellectually, indeed, it is not easy to set Bacon too high; but it is easy to set him higher than to be well supported by so narrow a basis as Mr. Macaulay assigns him. We may, and perhaps we should believe him wiser than those who wrote before him, but not if, to make room for his wisdom, we must conclude all his predecessors fools. He presented, certainly, a most rare and wonderful union of confidence and modesty; to a faith that would believe anything; he joined a scepticism that sifted everything most severely; and, though well assured of his ability to

teach great lessons to mankind, no man ever had an eye and ear more open and apt to learn. And his mind was too elevated and comprehensive not to recognize much that was true and good in the speculations of other men; and what he so recognized he had the intellectual rectitude to employ perhaps the more willingly and prize the more highly, because it was not his own; and he was far too wise a man, his mind was far too calm and clear and serene not to know that if he was to see farther and better than others had done, it must be by standing upon their shoulders, not by crushing them out of the way. We will venture to say that no candid, fair-minded reader of his works would ever suspect him of anything like such a contempt of former writings and writers as Mr. Macaulay attributes to him; there is nothing in his pages smacking in the least degree of the critic's modest assurance, (who can read such a passage without indignation and shame?) that "words, and mere words, and nothing but words, had been all the fruit of all the toil of all the most renowned sages of sixty generations."\* Whatever may have been Bacon's faults, he had none of that mean ambition which has sometimes endeavored to put out the lights of others kindling, to create an artificial darkness for the better exhibiting of its own.

This article has already grown beyond the limits we had prescribed ourselves. Of course therefore we cannot think of entering now upon the subject of Bacon's philosophy, which would require an article by itself, and that, too, "unmixed with baser matter." We shall hope to present our views of it at some future time; and we are the more moved to such an undertaking forasmuch as we believe many have been prejudiced against Bacon's writings, and kept away from them by Mr. Macaulay's representations of them; while if any have been drawn to them by that representation, they could hardly have failed to be disgusted at finding, as they must have found, how different those writings are from what they had been led to expect; for it is hardly possible that the same person should relish Bacon as he is, and Bacon as Mr. Macaulay represents him.

\* *Essays*, p. 273.



We have barely time at present to indicate the general scope and spirit of Mr. Macaulay's discourse on this subject, and to add two or three passages from Bacon, which may serve to put our readers on their guard, and perhaps induce them to seek their knowledge of Bacon in Bacon himself, or at least elsewhere than in Mr. Macaulay's statements concerning him.

The drift of those statements is fairly exemplified in the following passage: "What, then, was the end which Bacon proposed to himself? It was, to use his own emphatic expression, 'fruit.' It was the multiplying of human enjoyments and the mitigating of human sufferings. It was 'the relief of man's estate.'"<sup>\*</sup> And the whole article shows that by "fruit" and "the relief of man's estate," the critic understands nothing more or less than what is usually meant by utilitarianism, that is, mere material and temporal utility. Which is not more unjust to Bacon's philosophy, as almost every page of his writings will show, than it would be to represent Nature as designed only for a corn-field, and adapted only to the nourishing and sustaining of our bodies, leaving out all her nobler adaptations to the unfolding, upbuilding and furnishing of the mind and soul of man. The producing of "fruit," the ministering to human wants and comforts, was indeed one of the ends, but it was by no means the only or even the primary end, "which Bacon proposed to himself;" as may be seen in the very sentence from which one of the above quotations is taken. Speaking of various errors in philosophy he says: "But the greatest error of all the rest, is the mistaking or misplacing of the last or furthest end of knowledge: for men have entered into a desire of learning and knowledge, sometimes upon a natural curiosity and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; and sometimes to enable them to victory of wit and contradiction; and most times for lucre and profession: and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men: as if there were sought in knowledge a

couch, whereupon to rest a searching and restless spirit; or a terrasse for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop, for profit or sale; and not a rich storehouse, *for the glory of the Creator, and the relief of man's estate.*"<sup>\*</sup> And the same ideas run all through his works from the first page to the last. Thus in the Essay "Of Truth," he says: "Yet truth, which only doth judge itself, teacheth that the enquiry of truth, which is the love-making, or wooing of it, the knowledge of truth, which is the presence of it, and the belief of truth, which is the enjoyment of it, is the sovereign good of human nature. The first creature of God, in the works of the days, was the light of sense; the last was the light of reason; and his Sabbath work ever since, is the illumination of his Spirit. First, he breathed light upon the face of matter, or chaos; then he breathed light into the face of man; and still he breatheth and inspireth light into the face of his chosen. . . . Certainly, it is heaven upon earth, to have a man's mind move in charity, rest in providence, and turn upon the poles of truth." Again, in the preface to *Novum Organum*: "We would in general admonish all to consider the true ends of knowledge, and not to seek it for the gratification of their minds, or for disputation, or that they may despise others, or for emolument, or fame, or power, or such low objects, *but for its intrinsic merit and the purposes of life*, and that they would perfect and regulate it by charity. For from the desire of power the angels fell, and men from that of knowledge; but there is no excess in charity, and neither angel nor man was ever endangered by it." Elsewhere he speaks of knowledge as "the food of the soul," (*"pabulum animi"*) and of philosophy as having for one of its ends, "the purifying of the understanding, so as to fit it for the reception of truth;" and, in short, if there be one subject on which he waxes more eloquent and enthusiastic than on any other, it is the worth of knowledge for its own sake, and for the beauty and

<sup>\*</sup> Essays, p. 271.

<sup>\*</sup> Advancement of Learning, Book I.

dignity it imparts to the mind and character of its possessor. And if his principles and aims as a philosopher had been what Mr. Macaulay attributes to him and praises him for, we could more easily believe his character to have been as mean as Mr. Macaulay represents it.

We have now finished our remarks on

Mr. Macaulay's Essays. We have spoken freely, and we have aimed to speak as respectfully as a strong aversion to the writer and the man would permit. In the next number we shall endeavor to give, with equal freedom, our views of his History.

### HON. WASHINGTON HUNT.\*

THERE are, ordinarily, but few incidents in the lives of civilians which can render a biographical sketch especially interesting, except to those who stand within the pale of relationship or intimate and friendly intercourse. The field most fruitful of biographical incident is found in military service, and amidst the convulsions of a revolutionary era. The display of strategic skill in the conduct of a campaign, where great qualities are often developed when least expected; accurate foresight and immovable decision in perilous exigencies; self-possession and gallant bearing in "the conflict's dire array"—these mark the hero, and make a name famous for all time. Genius is thus fortuitously developed, and not infrequently in a single day made immortal. No such adventitious aids are found in the ordinary course of civil and political life. Here, where honors are acquired and eminence attained, they are not gathered at once as in a thick harvest, but result from years of patient industry, wherein are developed by degrees the character commanding respect, the intellect born to control, and that aptitude for the due discharge of high political duties, without which no man can be considered as truly great. The power and value of such a character increases from year to year by gradual removes, like the course of a river widening, deepening and expanding as it flows onward from its source.

Such has been the life of the Hon. WASHINGTON HUNT, for the last six years a member of Congress from the Niagara district, and now Comptroller of the State of New York.

Mr. Hunt is a son of Sandford Hunt, Esq., of Livingston county, New York, and was born in Windham, Greene county, New York, on the 5th of August, 1811. He is a descendant from good revolutionary ancestry, his kindred on both sides having been engaged in the war of the Revolution. His grandfather was a surgeon in the army, and lost his life in the service. The young patriot, *Nathan Hale*, whose heroic but melancholy death created a profound sympathy in the hearts of all the patriot leaders, was a brother of his maternal grandmother. Others of his family rendered good service to their country at a time when patriotism required deeds instead of words.

In the year 1818 his father removed to Portage, Livingston (then Allegany) county, where he still resides. Mr. Hunt, at the age of eighteen, removed to Niagara county, and in 1830 commenced the study of the law, and in 1834 he was admitted to the bar of the Supreme Court. He has never been actively engaged in the duties and labors of that profession, as the care of large landed interests absorbed a great share of his time for many years. Such, however, was the confidence reposed in his integrity and capacity, that in 1836, at the

\* The portrait of this gentleman was given to our readers in the March number, and this notice was intended for publication at the same time. Unavoidable accident prevented, and its publication has been delayed until this time.

age of twenty-five years, he was appointed to the office of First Judge of the Court of Common Pleas in the county of Niagara; and was probably the youngest judge of a court of record who had then ever been appointed in the State. He discharged the duties of the office for five years, and declined a reappointment, which was tendered to him, and the acceptance of which was urged upon him by the members of the bar of the county. In the discharge of the judicial duties of his office, he exhibited in a high degree the possession of those rare faculties for which he has since been distinguished in the national legislature—self-possession, quickness of perception, sound judgment and great amenity of temper.

In early life Judge Hunt was warmly devoted to what was denominated the "democratic," but more correctly known as the "Jackson party." Whether it was that the inexperience inseparable from youth had blinded his eyes to the tendency of measures then germinating, and which have since produced such deplorable results, or that he yielded a too implicit confidence to the honesty of those who on all occasions were prodigal of their professions of regard for "pure democracy" and love of the people, or that he was charmed by the military renown of the great head of the party—it is not our province to decide: be this as it may, Mr. Hunt was an active member of that party until the election of Mr. Van Buren to the Presidency in 1836. He had, however, at all times been an advocate and warmly in favor of the leading measures now regarded as Whig doctrines. His attachments to party were not sufficiently strong to restrain the expression of his opinions on important measures, and he dissented, *in toto*, from the policy of Mr. Van Buren's administration in regard to internal improvements, the tariff, the currency, and the public finances. He saw that in the practical working of the newly discovered "democratic" theories on these subjects the substantial and paramount interests of the country would be endangered, if not sacrificed; that the government itself, instead of exercising a genial and beneficent influence, would be converted into an instrument of oppression to the people; that the radical innovations then proposed

would necessarily lead to others still more prejudicial to both government and people; and he abandoned all connection with that party. In doing this he retained to a great degree the confidence and friendship of those with whom he had acted, though there were doubtless some who felt disposed to indulge in censure. In such cases this is always to be expected from men of narrow minds, to whom the present triumph of party is the end and aim of action, and with whom detraction invariably stands in the place of reason and argument. During several years, whilst engaged in discharging the duties of a judicial station, Mr. Hunt withdrew from all active participation in political contests, though he was not unobservant of the course of events, nor careful to conceal his opinions, which were well known in the community.

"In the year 1842 he was strongly solicited to become the candidate of the Whig party for representative in Congress. Consulting only his own disposition, he would have declined the offer; but his friends were urgent, and he was nominated without a dissenting vote by the Whig District Convention. He was elected by a decisive majority. His personal popularity was great—so much so, that many of the opposite party gave him their suffrages, knowing that his voice and his vote must, in many important measures, be found against their own principles. Of the estimate which his constituents placed upon his character, no stronger evidence need be adduced than a statement of the fact, that he was without solicitation regularly nominated for the same office, and re-elected by largely increased majorities."\* In 1848 he was urged to become a candidate for the fourth term, but peremptorily declined.

The limits of a review notice are too narrow to allow us to enter into a particular examination of the course pursued by Mr. Hunt while in Congress. This would, almost of necessity, lead to an examination of all the important measures which have been agitated during the last seven years. We can only refer to some of his speeches and reports, as showing his views

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\* Biographical and Political History of Congress.



on various political topics and his mode of enforcing them. In general it is sufficient to say, that he has acted at all times cordially with the Whig members of Congress on important occasions, and has exercised a large influence on the action of his associates. The fertility of his mind and the soundness of his judgment were early perceived and acknowledged in that body, and he was very soon recognized as a safe counsellor and prudent leader, while the courtesy of his manner and kindness of his disposition created warm personal attachment in many instances among his political opponents.

There was, as our readers will recollect, a gross violation of law perpetrated by a "democratic" majority in Congress, in the year 1843, by the admission of members from the States of New Hampshire, Georgia, Mississippi, and Missouri, who were elected on a general ticket. A law constitutionally passed, and quite as obligatory as any law of the land, and which was besides demanded by sound policy, required the formation of separate congressional districts, and that members thereafter to be chosen, should be elected by such districts respectively, and not by a general ticket containing the names of all the members to be elected by a State, and voted by all the voters of the State. The object of the law was obvious, to secure a fair and equal representation to the several constituencies. Under the general ticket system a bare party majority of one vote out of 400,000 (taking the State of New York for an example) would elect 34 members, all of one party, while it might, and often would happen that 24 of the 34 districts, gave a decided majority for the candidates of the opposing party. The wishes of the people of the districts were thus often disregarded and defied. Nearly all of the States had long before voluntarily abandoned a system so manifestly inequitable and unjust. These four "democratic" States, however, knowing that under the new law a Whig might now and then be elected, and as if to show more clearly than ever how false and hollow are all democratic professions of regard for the "rights of the people," concluded to defy the law, and elect as usual by general ticket, thus insuring the return of pure, unsullied democrats. When

these members presented themselves for admission to the House, the question of the legality of their election came up for discussion, and the Whig members, we believe to a man, opposed their admission. From a speech made by Mr. Hunt on this occasion, we copy the following paragraphs:

"But, sir, this is not a mere personal question, in relation to the present occupancy of these seats; it is a subject of deeper and more serious import. A constitutional principle is to be determined and a precedent established, intimately affecting the authority and stability of this government, and when we reflect upon the alarming consequences to which every departure from the Constitution inevitably leads, the organization of the present House of Representatives becomes a question of comparative insignificance.

"The power is given, in the first instance, to the legislature of each State to prescribe the time, place, and manner of holding elections, subject to the paramount power of Congress to substitute new or alter existing regulations. It appears to me that much fallacy of reasoning has proceeded from a false view of the relation occupied by the States in the exercise of this power. It has been assumed that, in all their legislation on this subject, the States have exerted an original, inherent right or attribute of sovereignty; whereas their only jurisdiction over the matter is derived from the federal Constitution, which in effect constitutes them the agents of this government, to prescribe and regulate the elections, until the superior power (or some portion of it) vested in Congress shall be exercised. I concede that the States are sovereign and supreme in respect to those reserved rights and powers, which the Constitution has left under their exclusive control; but it is undeniable that State sovereignty is essentially modified by the terms of the federal compact. The power to declare war, to regulate commerce, to make treaties, and many of the most essential attributes of sovereignty, have been surrendered by the States and vested in the national government.

"We are now admonished, Mr. Speaker, that, if the elections which have been held in defiance of your laws, are not confirmed by the House, four States will be disfranchised and deprived of their representation in the national legislature. I maintain, sir, that those States have disfranchised themselves, for the time being, by their refusal to conform to the law of the land. It is their act, and not ours. They should be held to furnish a better plea than "their own wrong;" if they would escape its legitimate consequences. The inconvenience of a new election, in conformity with law, is too light an evil to influence our decision. Mr.

Speaker, I desire to advert to another principle of profound importance, which is involved in the present issue, and demands the calm consideration of every member of the House. Are we prepared to determine that a single State, by its own action, independent of the judicial tribunal, may annul and overturn a law of Congress, enacted under the forms and solemnities of the Constitution? This aspect of the subject will excite the fears and engage the sober attention of the American people. The pretension which is now asserted, of a right in the States to nullify and resist our laws at pleasure, strikes at the very foundation of the government; and if the doctrine is permitted to prevail, the days of our confederacy are numbered. The Constitution, and "the laws made in pursuance thereof," will cease to be the supreme law of the land. An irresistible force will be imparted to the irregular, capricious action of the State authorities, and the power of the Union will gradually decay, and finally perish beneath the weight. In the name of the Constitution I beseech you to pause before yielding the deliberate sanction of the representative body to this fatal heresy.

"If the House shall yield to the demand which is made, and renounce the just power and supremacy of the government, it will furnish a fearful example to serve as a precedent for repeated and broader inroads upon our institutions. As the first stage in our downfall, it will mark a new and melancholy era in our national annals; and, in the mind of the patriot, it cannot fail to excite the most gloomy apprehensions in regard to our ultimate destiny.

"Our free system of government is to be preserved only by a sacred adherence to the fundamental laws and institutions which have been framed by the wisdom of our fathers, and by emulating the patriotism which inspired their efforts.

"I had hoped that, in our deliberations upon this subject, all party appeals and allusions might be avoided. But it has been deemed necessary, upon this, as upon most occasions, to invoke the genius of democracy. The constantly recurring display of the healing charms of democracy in support of propositions which are repugnant to sense and reason, is calculated to remind us of the celebrated exclamation of Madame Roland, in the scenes of the French revolution: 'In thy name, oh! Liberty, what enormities are committed!'

"Sir, it is no party question that we are now called upon to decide. It stands on higher ground; it touches the vitality of the government and the supremacy of the laws. I trust that no party influences will be permitted to sway the judgment of the House in the discharge of its high responsibility. I will yet cherish the hope that the rightful authority of the nation is not to be desecrated in this hall, under the sacred emblems of the Union; and

that the Constitution is not destined to receive a fatal wound from the representatives of the people, who have sworn to support and defend it."

It is needless to add, that these members were admitted by a party vote, though it is evident they had no better claim to a seat in the House than any similar number of gentlemen in their States, selected at random. "Democracy" could not spare their votes; and modern democracy is by no means conspicuous for its observance of constitutions or law, when it has a party end to subserve.

On the subject of a change of the naturalization laws, Mr. Hunt's course in Congress was equally explicit and determined. In December, 1845, and soon after the general organization of the "Native American" party, a petition from the General Assembly of Massachusetts was presented, asking "for such amendments to the naturalization laws as would protect the ballot-box and the elective franchise from abuses and frauds." It gave rise to a protracted and animated debate. The ground assumed by Mr. Hunt on this question was fair and liberal; and such, as we are assured, received the general concurrence of the country, though it ran counter to the ultra sentiments of many gentlemen on both sides of the line of moderation which separates the extreme conservative from the radical demagogue, reckless of results.

"He did not doubt that our present naturalization laws are in some respects defective, or that serious abuses exist in their administration. He was convinced that enormous frauds have been perpetrated, as well by conferring the high immunities of citizenship upon those who were not entitled to the privilege under existing laws, as by the usurpation and exercise of the right of suffrage by aliens who have never complied with any of the legal formalities of naturalization; not to speak of colonizing, double voting, and other forms of corruption, which can be reached only by State legislation.

"He desired to see such a revision of the code, such new and stringent provisions, as shall effectually prevent these abuses in future, and put an end to the abominable traffick in illegal votes which has become the scourge and disgrace of our larger cities.

"The resolutions of the legislature of Massachusetts, which had given rise to this discussion, if he rightly understood them, con-

templated nothing more than an inquiry into frauds and abuses, and such legislation as may be necessary to prevent corrupt and illegal practices. It may be doubted whether any remedy will prove effectual until our courts of justice, to whom is intrusted the administration of the law, shall have been purified of party influences.

"If there be a character upon earth which, more than any other, deserves the execration of God and man, it is a political judge who pollutes the ermine of justice, and prostitutes his sacred functions to the furtherance of party schemes and purposes.

"I consider it the most deplorable and appalling evil of the time that the unclean spirit of party has been permitted to invade the tribunals of justice, and enter the judgment-seat, to inflame the counsels of sworn judges. As a spectacle, it shocks every virtuous, manly sensibility; as a practice, it is the prolific mother of mischief and corruption. It is undeniable that too many of our courts, in the exercise of this branch of their powers, following the baneful example of other departments of Government have lent themselves to party exigencies, and become part and parcel of the political machinery for controlling and carrying elections.

"On the eve of important elections, they operate as a party apparatus for the manufacture of a sufficient supply of voters, frequently conferring citizenship without adequate proof, the artful and seeming compliance with forms serving only to aggravate the mockery of substantial law and justice. Unless this profanation of judicial power is frowned upon by the righteous sentiment of the country, if we have reached that stage of profligacy when partisan courts will be tolerated by popular opinion, then is it time for us as a people to repeat the exclamation, 'we are rotten before we are ripe.'

"He regretted that this proposition to prevent frauds and restore the integrity of the ballot-box should have been made the occasion for a discussion of a radical change in the fundamental principle of our system of naturalization. He viewed that as a very different question, and believed the proposed change of system, by which it is intended to exclude foreigners from a participation in the rights of citizenship, would find but little favor, either in this House or the country. He wished to speak with all due respect and kindness of that portion of our citizens who have thought it their duty to form a political association under the designation of Native Americans. To many of them he freely accorded the highest integrity and patriotism of purpose. \* \* \*

"Sir, I disdain to employ the language of flattery toward any man or class of men, native or foreign. Instead of addressing them as gods, I have never feared to remind the people of the imperfections which are inseparable

from human condition, and to warn them of the dangers to which they are exposed from vice, ignorance, and the seductive arts of party politicians. That the emigrant is exposed, in a peculiar manner, to the wiles of the demagogue, is known to us all. He is too liable to be misled by false aspersions and unmeaning professions. He is soon sought out by that disinterested class of patriots who drive a trade in politics. He is overwhelmed with lavish protestations of generosity, friendship and devotion; and, to heighten at once his gratitude and wonder, he is assured that a large portion of our countrymen are hostile to liberty, at war with the poor, and intent on establishing the modes of aristocracy and despotism which prevail in the Old World. His mind is inflamed with false prejudices toward his best friends, who are struggling to advance the interests and welfare of all our people, and, enlisted under party colors, he sometimes follows the path which leads to his own destruction. That he should yield to the arts of the seducer is not more strange than that our first mother should have listened to the primitive demagogue who whispered discontent in Paradise. It is to be deplored as a public misfortune, that foreigners, in the morning of their residence here, are exposed to these malign efforts and influences. The responsibility rests, not upon the innocent victims of delusion, but upon the native-born politician who leads them astray. While all good men should regret that the more ignorant portion of our people, native or adopted, are so liable to be misled from their own true happiness by party spirit, it is idle to indulge feelings of petulance or complaint, or to attempt changes which shall exclude any class from a participation in public concerns. It would be equally wise to complain that men are not angels, and abandon the great experiment of free government.

"If it be inquired what is to be done? are the foreigners in our country to be marshalled in hosts against the welfare of their adopted land? and is there no remedy?—I would say to those who propose a system of exclusion, that, in my judgment, they have mistaken the nature of the disease, and the extreme resort to amputation will but tend to increase the evil and render it incurable. Native 'Americanism' is not the true remedy. There are political, as well as physical disorders, for which time is the only infallible physician. Foreign emigrants may be deluded for a season, but for this, time is the unfailing, the only corrective. Denunciation, reproach, intolerance, violence of language or conduct, will but retard the consummation which all true Americans should desire. Experience, observation, intercourse with our people, will rapidly *Americanize* the foreigner, and divest his mind of unfounded prejudices. It should be our aim to inform, to enlighten, to elevate, and undeceive him.



"Thousands of emigrants have already discovered, and, if a kindly policy is pursued, every year will swell the numbers of those who perceive, the worthlessness of unmeaning flattery and sounding professions, and the true importance of wise and beneficent measures of government. Those who complain that five years is too short a term, would do wisely to reflect that years are rolling on, and at every annual revolution the foreigner is becoming more thoroughly naturalized in mind and heart, and more intimately incorporated with the body of our people. New ties multiply around him, and his constant progress in knowledge and improvement fix him more firmly to our soil, forming him a wiser and a better citizen."

On the great question of the day—the Wilmot Proviso—Mr. Hunt has from the first acted with firmness and decision. His views are unquestionably those entertained by the great mass of all parties in the North; and as he is known to be always moderate in the expression of his sentiments and conciliatory in his bearing, his remarks are worthy of record. On giving his vote on one occasion in favor of excluding slavery from our newly acquired territories, he said:

"Slavery having been extended over the Louisiana and Florida purchase, and finally over Texas, the free States have pronounced, 'Thus far and no farther.' We insist that this common government of ours shall not be employed to spread slavery over territory now free; that human bondage shall not be carried into other lands under our national flag; and that our armies shall not go forth under the colors of freedom as the propagandists of slavery. That, sir, is the lofty attitude and the unalterable purpose of the North. In this there is no abolitionism to justify the incessant denunciations that have been heard. Gentlemen seem to deceive themselves by neglecting a distinction too obvious to be overlooked. We aim not to *abolish*, but to *preserve*. Where slavery exists, we leave it untouched; where freedom prevails, we demand that you shall not abolish it. While gentlemen denounce the abolition of slavery as treasonable and criminal, I hope they will indulge us if we protest against the abolition of freedom in California, New Mexico and Chihuahua." Mr. Hunt here expressed his surprise at the remarkable language of the gentleman from Pennsylvania, (Mr. C. J. Ingersoll.) "I am speaking of the opposition to slavery and its extension which exists in the northern States.

"He said it was a 'new sentiment held by men, without reason and without argument; nothing but a sentiment, and not a very whole-

some sentiment either.' It is difficult to characterize an expression like this, coming from the representative of a free State, without transcending the limits of parliamentary order. 'A sentiment!' Yes, sir; 'a sentiment.' It is a sentiment which the Almighty has implanted deeply in the human heart, and no earthly power can eradicate it. It may be insulted, and overborne, and trampled in the earth, but, thank God, it can never be extinguished. The fires of martyrdom have been kindled often to subdue it, but in vain; it has seemed to expire on many a battle-field, but only to revive with new energy and beauty.

"It is the spirit of liberty, which is inherent in the soul of man. It is the sentiment which has inspired the friends of freedom in every age. Why, sir, it was 'a sentiment' which impelled the Pilgrims to encounter the perils of the ocean, and the privations of a life in the wilderness, to establish freedom of conscience, and secure civil liberty for themselves and posterity.

"The American Revolution was the offspring of a sentiment; the right of man to self-government is a sentiment. Let the gentleman sneer; it is a sentiment as eternal as the throne of divine justice from which it emanates. It may never warm the heart of that gentleman; he may speak of it in tones of levity and ridicule; but, fortunately, a general truth is not weakened by individual exceptions."

In defending the course of the Whigs in Congress, on the Mexican War, and in regard to the principles which should control the government in dictating peace, he remarked:

"It had been said that there were some politicians who were always ready to surrender territory that was in dispute. It had become very common in these days to cast indiscriminate reproach on those who preferred to settle vexed questions of boundary in a pacific manner. To claim all and concede nothing was now held to be the quintessence of patriotism. But he would recognize no such test.

"He wanted to see these questions discussed in a honorable and a candid spirit, according to the moral considerations of right and wrong. He was for respecting the rights of others without surrendering our own. There was a class of politicians who seemed disposed to make use of all questions touching the foreign relations of the country, merely as means and instruments of party aggrandizement, and the acquisition of power, and hence they contrived to present these questions in such a form as to compel the minority to vote against them.

"This attempt to present the minority before the country in the unpopular light of a peace party was wholly without foundation; it

was not justified by their acts, neither would it be. Gentlemen seemed to think that power and patriotism were identical, and because they had all of the one, they must of course, monopolize the other. But if it was glory to maintain the national rights, and vindicate the national flag, that was a glory shared equally by both sides of the House.

"The gentleman from Virginia, (Mr. Dromgoole,) has alluded to the objects of the war, and the spirit in which he would wage the contest. While he would pursue the Mexicans in a spirit of vengeance, his patriotism revels in the prospect of large indemnities of land and money. National honor is also to be measured by leagues; and all our wrongs, real or imaginary, will be healed by the addition of fresh provinces and enlarged dominion. Mr. Hunt would pursue the contest in a different spirit. He wished to see it prosecuted with decisive force and efficiency till we could secure an honorable peace; but when the time shall arrive to dictate the terms of peace to Mexico, he hoped to witness a display of justice and generous magnanimity. If we could conquer our own rapacity, and restrain the lust of territorial acquisition, we should achieve a moral victory more glorious than the trophies of war. In imposing the conditions of amity, he hoped we might exhibit a spirit of moderation and forbearance becoming a great republic conscious of its power. By our rectitude and generosity in the hour of victory, we might yet do something to restore the drooping honor of the country. When that hour should come, we must not disguise it from ourselves that appearances were against us.

"While we are strong and powerful, Mexico is feeble and distracted; and we are already in possession of a vast territory which was recently wrested from her by our own people. But a war is upon us; and while it continues, it must be prosecuted with vigor, and men of all parties must co-operate, by united counsels and common efforts, to bring the struggle to a speedy and honorable termination."

On the Oregon question, the annexation of Texas, and the subject of a tariff for the protection of domestic industry, Mr. Hunt's opinions were often and fully expressed. It is not too much to say, that they were always liberal, comprehensive and just. They will bear an attentive perusal when the partisan asperities of the day, and the passions elicited by the occasion, shall have been forgotten, but it is impossible to give separate passages from these speeches which would do justice to the speaker or the subject.

At the organization of the Congress of 1847, Judge Hunt was appointed chair-

man of the Committee of Commerce, a station which in importance is second to but one in the House. On this committee he has rendered the country essential service, as all will bear witness who regard the importance of our external and internal commerce. Amongst other labors and services in this station, the most useful and interesting was unquestionably the preparation of the report of that committee on the memorial of the Chicago Convention and the veto message of President Polk, which was presented to the House on the 23d June, 1848. In all its parts it is a production of great vigor and masterly comprehension. We can only quote a few passages relating to the importance of bestowing a fostering care on all works calculated to increase and enlarge our internal commerce. It may be assumed, as a matter of course, that Mr. Hunt's opinions were antagonistic to those of the President, and of those latter-day saints in politics who profess to see great danger to the government in the improvement of our rivers and harbors:

"Whilst our commerce with foreign nations," says the report, "yields to the government the revenues necessary to its support, and brings the fruits and fabrics of every clime in return for our surplus productions, the commerce among the States, stimulated by freedom of intercourse, has been still more rapid in its progress, and has reached a higher point of value. Independent of the interchange of commodities between the States, for domestic consumption, which far exceeds in amount our entire foreign trade, the main bulk of our foreign commerce is derived from and forms an ingredient in the internal trade of the country. Our exports must be first conveyed from the producer, by the navigable waters of the interior, to the sea-board; our imports are conveyed inland, by the same channels, to the remotest points of consumption. Every increase of foreign commerce necessarily swells our internal trade; and the elements of each are so blended and intermixed together as to form, in reality, one great common interest, identified with the national prosperity, and presenting equal claims to the encouragement and protection of government. If any discrimination were admissible, the internal trade may be said to be of paramount importance, since it is of the first necessity to the people, larger in value, and, in point of fact, includes the transit of a large share of the commodities composing our commerce with other countries. Viewed as objects of national concern, no line of distinction

can be drawn between these great interests. It requires a perverse ingenuity to separate them, and define where either begins or terminates. Indeed, it may be affirmed that the safe and convenient navigation of our lakes and rivers is indispensable to the prosperity of the foreign as well as the inland trade of the country.

"The committee have adverted to the commercial position of the Atlantic and the inland States, mainly for the purpose of showing, in one general view, how directly every part of the confederacy is identified and concerned in the great navigating interests of the country.

"It will be perceived that the protection of navigation, whether along the sea-board or in the interior, on all the great channels of trade, is a subject not of mere local or sectional concern, but of high national interest, affecting the whole Union and all its parts. Each of the thirty States composing the Union is connected with the navigable waters, either of the sea, the lakes or the rivers. Each is concerned in the safe and easy navigation of all the channels over which the national commerce is borne. Every State in the interior may claim an interest in the safety and sufficiency of the harbors on the coast, through which their productions must pass in quest of a foreign market. The States on the sea-board are no less interested in the navigation of the western waters, through which the States are enabled to carry on a constant interchange of commodities at home, and to send forward the agricultural products which form the main bulk of our foreign trade. What portion of the confederacy can claim to be indifferent to the facility and security of commercial intercourse among the States? What section so isolated in position as to be unconcerned in the navigable waters which carry forth our vast and varied productions? The growth and expansion of our inland commerce is the surest indication, as it is one of the chief sources, of our unexampled prosperity and progress.

"Complete and adequate protection can be given only through the agency of a general system, national in its character, comprehending the whole Union and its entire navigation. It must be broad and pervading, embracing every section and reaching every channel of national commerce. By the adoption of a national plan, resting upon sound and enlightened principles, every portion of the Union will derive its equitable share of the common benefit, and no part will have reason to complain of injustice or inequality. Such a system will insure that free commercial intercourse between the States which was a leading object of the federal Constitution.

The report contains a masterly review of President Polk's famous veto message. The positions assumed by the President

are so completely annihilated as to render their revival a work of impossibility. Among other things the President virtually assumed the ground that the obligations of the government concerning the regulation of commerce and navigation are impaired and lessened by the expansion of our national limits, which is thus noticed in the report:

"If we concede the force of this reasoning, we must also admit that it has been fortified by the addition of ten degrees to our possessions on the Pacific coast since the date of the message. But the committee are hardly prepared to admit the doctrine that the powers or obligations of government, concerning the regulation of commerce and navigation, are in any degree impaired by the expansion of our national limits. On the contrary, it is conceived that the vast extent of our navigable waters, and the relative augmentation of our commerce, impose commensurate duties upon Congress. The responsibility of government is rather increased than lessened by the growing importance and magnitude of the subject. If appropriations in furtherance of navigation are to be abandoned or diminished by reason of our geographical extension, it follows that every new accession of territory brings weakness instead of strength, and the protection of what we have is inconsistent with further acquisitions. Unless the capacity of the government is equal to its territorial expanse, it results that the nation is too large for the Constitution; and the agency of the federal power must fail to accomplish the great ends of its creation. The argument of the President on this point is hardly consistent with the known fact that every addition of territory heretofore acquired, has been sought mainly, or at least ostensibly, with a view to commercial advantages. Louisiana was purchased, at a cost of fifteen millions, to secure the free navigation of the Mississippi. Florida was obtained, at a great cost, because its possession was deemed necessary to the protection of our commerce on the Gulf. We have waged a bloody war, and finally stipulated by treaty to pay many millions of purchase money, to secure the ports of California on the Pacific.

"After paying such enormous sums to obtain the command of these great highways of commerce, is it rational to contend that Congress has no power to make them available by removing the impediments which obstruct their navigation?

"Is it constitutional and wise to exhaust millions in the removal of political restraints, if the government be really incompetent to touch those natural obstacles which are far more fatal to freedom and security of trade? Is the government supreme in its power to acquire, and yet impotent to improve; all-powerful to



purchase or annex ports and rivers, and devoid of faculty to clear them out and make them accessible to shipping? The Executive recently offered Mexico five millions of dollars for a right of way across the Isthmus of Tehuantepec. Without discussing the expediency of offering so large a sum for the privilege of opening a commercial communication through a foreign country, whilst we refuse a single million to improve the commercial channels within our limits, it may be well to inquire if the President seriously intended to pay five millions for a right of way which the government has no constitutional capacity to execute? Perhaps it would be difficult to present a more complete illustration of the fallacy of this branch of the President's argument. The committee are unable to resist the conclusion that while government is expending the public resources in exploring the Dead Sea, and acquiring distant ports and possessions, it would be equally judicious to give some protection to our navigating interests at home.

"If we possess an extended coast, we have a vast and lucrative commerce; if our harbors are numerous, we have a multitude of ships, which bring tribute to the national coffer; if we have many broad rivers, penetrating the interior of a vast continent, they convey the rich and varied products of many millions of people, and serve as the arteries of that trade, foreign and domestic, from which the government derives its sustenance and support. A country possessing such unrivalled resources and advantages, boasting a commerce so magnificent, and a chain of navigable waters almost boundless in extent, can afford to clear its rivers from snags and furnish safe harbors for shipping. Whatever additional expenditures may be demanded, by the necessities of an expanding commerce, will be more than compensated by the consequent increase of revenue."

Mr. Hunt originated the only measure as yet adopted for establishing the semblance of a government in California. The bill extending the revenue laws to that country, and establishing ports of entry there, was introduced by him, and to his vigorous efforts its success may in no small degree be attributed.

In February last, and before the close of his congressional term, Mr. Hunt was elected Comptroller of the State of New York, by a vote almost unanimous, and immediately after the adjournment of Congress he removed to Albany and entered upon the duties of the office. Having the management of the finances of the State, and a voice in the Canal Board, the office is one of the first importance in the State. That he will discharge the duties of the station creditably to himself and advantageously to the State, will not be doubted by any one who is acquainted with his capacity for the management of important interests, and his aptitude for the ready discharge of complex and laborious duties. The offices he has held have come to him unsought; they were free-will offerings from those who repose confidence in his sound judgment, capacity and integrity.

In private life few men have more devoted friends. Urbane to all, charitable to all who differ from him in opinion, possessing a generous disposition, a heart flowing with kindness, and a temper rarely disturbed by any event, he seldom loses a friend or finds a personal enemy.

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## THE DEATH OF SHELLEY—A VISION.

"Gentleness, Virtue, Wisdom, and endurance,  
These are the seals of that most firm assurance  
Which bars the pit over Destruction's strength."

*Shelley's Prometheus.*

The wind was freshening on Genoa's bay,  
A looming storm shut out the sultry day,  
And wilder grew the distant billows' play.

Along the level line of sea and sky  
The waves were dipping low and lifted high,  
Like snowy gulls that waver as they fly.

The nearer calm a single sail beguiled,  
And at the helm, with features fair and mild,  
Sat one whom men have called Eternal Child.

A breath—a breeze—the tempest strikes the sail;  
It fills—it leans, and, swift and free as frail,  
It flies a winged arrow from the gale.

A precious boat!—God speed it safe and right!  
The world, in that slight shell and form as slight,  
Has all its hold upon a soul of might.

He lay reclined in noonday dreams no more,  
He gazed no longer on the purple shore,  
Nor mused on roofing skies and ocean's floor.

The wizard storm had conjured truer dreams—  
Had kindled in his eye unwonted gleams,  
And given his eagle spirit grander themes.

No sign of craven fear did he reveal;  
He only felt the joy that heroes feel  
When all their thoughts with draughts of glory reel.

The boat dipt low; his foot was on the helm;  
The deck a throne—the storm his rightful realm,  
He dared the powers that Nature's king o'erwhelm.

The gentle eye that turned from man away,  
Now flashed in answer to the flashing spray,  
And glanced in triumph o'er the foaming bay.

And as aloft the boat a moment hung,  
Then down the plunging wave was forward flung,  
His own wild song—"The Fugitives"—he sung:

Cried he, "And fearest thou, and fearest thou?"  
Said he, "And seest thou, and hearest thou?"  
A pilot bold, I trow, should venture now."

\* \* \* \* \*

The sail was torn and trailing in the sea,  
The water flooded o'er the dipping lee—  
To bale the bark were work for more than three.\*

It righted with the liquid load, and fast  
Went down; the mariners afloat were cast,  
And louder roared and laughed the mocking blast.

A moment, and no trace of man or spar  
Was left to strew the path that near and far  
Is whirled in foam beneath the tempest's car.

\* \* \* \* \*

A moment more, and one pale form appeared,  
And faintly looked the eyes; no storm careered,  
And all the place with mystic light was sphered.

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\* Mrs. Shelley's account leaves the impression that a sailor-boy, Charles Vivian by name, was with the poet and Mr. Williams at the time of the disaster.

Around him slept a circling space of wave ;  
It seemed the crystal flooring of a cave,  
And all about he heard the waters rave.

He saw them waving like a silken tent—  
Beheld them fall, like rocks of beryl rent,  
And rage like lions from a martyr pent.

A sudden life began to thrill his veins ;  
A strange new force his sinking weight sustains,  
Until he seems released from mortal chains.

He looked above—a glory floating down—  
A dazzling face and form—a kingly crown,  
With blinding beauty all his senses down.

As tearful eyes may see the light they shun,  
As veiling mists reveal the clear-shaped sun,  
He knew the crucified, transfigured One.

In that still pause of trembling, blissful sight,  
He woke as from a wild and life-long night,  
And through his soul there crept a holy light.

A blot seemed fading from his troubled brain—  
A doubt of God—a madness and a pain,\*  
Till upward welled his trusting youth again ;—

Till upward every feeling pure was drawn,  
As nightly dews are claimed again at dawn,  
And whence they came, are once more gently gone.

He gazed upon those mercy-beaming eyes,  
Till recognition chased away surprise,  
And he had faith from heaven and strength to rise—

To rise and kneel upon the glassy tide,  
While down the Vision floated to his side,  
And stooped to hear what less he said than sighed :—

“ Oh Truth, Love, Gentleness !—I wooed and won  
Your essences, nor knew that ye are ONE ;  
Oh crowned Truth receive thine erring son !”

A spirit-touch was laid upon his soul ;  
Like pallid ashes from a living coal,  
His mortal form fell off and downward stole.

The spirit and Vision took their upward flight,  
And lingering angels gathered up the light  
That lay—a spell upon the tempest's might.

The gentle one, whose head alone was wrong—  
The Eternal Child amidst a cherub-throng,  
Was wafted to the Home of Love and Song.

H. W. P.

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\* A writer in a foreign review argues from some incidents, and from general reasons, that Shelley was a literal monomaniac on the point of Christianity. On this assumption the Vision is founded.



## CONGRESSIONAL SUMMARY.

Our last number brought up the Summary to the close of the 30th Congress, by the adjournment of the House of Representatives. Since then a case of some importance has been brought before the Senate, in its Special Session; and as the discussion of the ineligibility of Gen. Shields involves a question of high constitutional interest, and as the decision pronounced upon it by the Senate will, most probably, hereafter serve as a precedent in all cases of a similar nature, we have determined upon giving it more in detail than is usual with us.

On the 5th of March, Mr. Davis, of Massachusetts, addressing the Secretary, submitted a resolution for the organization of the Senate; that the Hon. D. R. Atchison, a Senator from the State of Missouri, be appointed President, *pro tem.* of the Senate, and that the Hon. T. H. Benton, a Senator from the State of Missouri, administer to him the oath of office.

The resolution was unanimously adopted.

The Hon. J. Davis, of Massachusetts, and the Hon. T. H. Benton, conducted Mr. Atchison to the Chair, where the oath was administered, in compliance with the resolution of the Senate.

The President, *pro tem.* then requested the Senators elect to advance to the Chair and take the oath prescribed for them, and the following were qualified and took their seats:

Messrs. Pearce, of Maryland; Upham, of Vermont; Cooper, of Pennsylvania; Butler, of South Carolina; Borland, of Arkansas; Walker, of Wisconsin; Dodge, of Iowa; Seward, of New York; Morton, of Florida; Dawson, of Georgia; Norris, of New Hampshire; Whitcomb, of Indiana; Soule, of Louisiana; Smith, of Connecticut.

When the name of the Hon. James Shields, of Illinois, was called—

Mr. Walker rose and submitted a resolution, to refer the credentials of the Hon. James Shields to the Committee on the Judiciary, with instructions to inquire into his eligibility.

Mr. Berrien moved that, in order that the proceedings of the day might not be interfered with (the inauguration of the President) by the discussion to which that resolution may lead, its further consideration should be postponed till the following day.

To which Mr. Walker assented.

On the 6th of March, the following Senators elect were qualified and took their seats:

The Hon. George E. Badger, of North Carolina, and the Hon. Salmon P. Chase, of Ohio;

when the Senate proceeded to discuss the question of

## THE ELIGIBILITY OF THE HON. JAMES SHIELDS.

Mr. Miller rose to offer a resolution.

Mr. Douglas. I trust the Senator from New Jersey will withhold any resolution at present. I rise, Mr. President, to a question of privilege, which takes precedence of all other business. I rise to ask if my colleague, the Hon. James Shields, is now to be sworn, as a member of this body. I suppose it is his right to be now sworn; and, on behalf of the State of Illinois, I ask that the oath may now be administered to him.

After some conversation, Mr. Mangum requested the Senator from Wisconsin, Mr. Walker, to withdraw his resolution, there being no Standing Committees, and he having prepared one to obviate that difficulty. Mr. Walker having assented, Mr. Mangum offered the following resolution:

*Resolved:* That the Standing Committees at the close of the last session be re-appointed, and that the vacancies therein be filled by the Chair.

Mr. Douglas. Mr. President: I again rise to a question of privilege. I do it without any concert with my colleague. I do it as the only representative from the State of Illinois here present, which is entitled to two Senators on this floor. It appears, from the credentials now on your table, that James Shields was elected a Senator of the United States, by the Legislature of Illinois, for six years from the 4th inst. His credentials are in due form, and therefore those credentials entitle him to a seat in this body, upon precisely the same grounds as the Senators who were yesterday admitted to seats; and if there is any objection, as to ineligibility, it must arise after he has been sworn and taken his seat. This body has no jurisdiction over him or this matter, until he has been admitted to his seat as one of its members. In assuming this ground I am justified by the uniform precedents, so far as I have examined them.

Mr. Douglas then adduced the cases of Mr. Gallatin, Mr. Smith, of South Carolina, and Mr. Rich, from Michigan, in all which the parties had been sworn in, and the question of ineligibility discussed after they had taken their seats. If no ineligibility was shown on the face of Gen. Shield's credentials, to deprive him of the right conferred upon him by his State, it would furnish the first instance of a Senator's

being rejected, when his credentials were in due form. He said he spoke not on behalf of the claimant, but on behalf of the State of Illinois; he knew nothing of the facts, but he knew, from the credentials on the table, that he had been duly elected by the State of Illinois. His credentials were in due form; and he knew also that, the day before, other members were sworn in, who presented credentials identically the same; and he insisted, with great respect, that the Senate had no right to reject, without examination, a Senator, when he presented his credentials in due form, showing that he had a right to a seat.

Mr. Mangum then withdrew his resolution, saying, that he was disposed to think that the Senator from Illinois was right, and that the Senate, if it were deemed necessary, could enter upon an investigation after the claimant had been admitted to his seat.

Mr. Walker said, that having withdrawn his resolution to permit the Senator from North Carolina to offer his, and that having been withdrawn, he renewed his motion.

Mr. Walker's resolution was read by the Secretary.

Mr. Turney inquired whether that resolution was before the House.

Mr. Douglas. The question pending, is my motion that James Shields be sworn. It is a privileged question.

Messrs. Turney, Badger and Butler argued that the question of ineligibility should be discussed after Gen. Shields had taken his seat.

Mr. Webster. This is a very important question, sir, and it becomes us so to act as not to deprive ourselves of the power to exercise our undoubted constitutional right of judging of the qualifications of a member of this body, at the same time to act with all proper respect towards the State which has sent to us a Senator which it has elected. To observe the established precedents in cases of this character is the best course we can adopt. There may be instances, or precedents, in which objection has been made before the member has taken his seat in either one House or the other. This gentleman's case is the other way. Being admitted to his seat, he is then to produce his credentials, and they are to be examined and investigated by the Senate, to decide if, constitutionally, he is eligible to a seat here. I think the proper course to be adopted in this instance is, to allow the gentleman to be sworn in at once.

Mr. Berrien said, that the Senator from Wisconsin should state the grounds upon which he had submitted his resolution.

Mr. Douglas contended that such a course would be wholly irregular, as it would supersede his motion. He had no objection to the Senator from Wisconsin making any statement he might choose, at the proper time. His, Mr. Douglas' motion was not made at the request, nor even with the knowledge of Gen. Shields,

but by himself, as a Senator from Illinois, insisting on the rights of that State.

Mr. Walker disclaimed any wish or desire, of the remotest kind, to place Gen. Shields in a position where injustice can be done him, or to do anything that could exclude him from a seat on that floor. He then spoke, in high terms, of Gen. Shields' public services. He thought it the better course to give General Shields the opportunity of proving his eligibility before being sworn, than to swear him first and then afterwards to have to expel him; to give him an opportunity of proving that he is entitled to the honor which his State has conferred on him, and which will, through all future time, bring credit to the State which has conferred it. He, Mr. Walker, did not wish to resist whatever should be deemed the proper course of the Senate on this question, but, as had been intimated by the Senator from Georgia, (Mr. Berrien,) unless objections should be made with relation to a point of order, he would state the grounds that had induced him to bring forward the resolution, fully and explicitly.

Mr. Butler said he would suggest that, were the Senator from Wisconsin to go on and present the evidence at large, and facts pertaining to the eligibility of Gen. Shields, it would in some degree prejudice the minds of the Committee and of Senators upon the question.

Mr. Walker said, that he had thought so, and that his opinion of that course of action coincided with that of the Senator from North Carolina. He then went into the question of precedents, adducing one of a Senator from Connecticut.

Mr. Douglas contended that the case of the Senator from Connecticut stood on very different grounds. In his case, the fact appeared, on the very face of his credentials, that he had no sort of right to a seat as Senator. In the one before them, there was simply a presumption as to the Senator's ineligibility. The very case of the Senator from Connecticut strengthened the general rule for which he was contending.

Mr. Walker said the case he had mentioned might not amount to a precedent. Be it so. He wished it distinctly to be understood, that he was not endeavoring to enforce a more rigid rule in the case before them than that of others. It, however, appeared to him to be due to Gen. Shields, to the State which he represented, as well as to the whole country, that the matter should be referred to a committee, and fully settled, before Gen. Shields should be admitted as a member of that body.

After some remarks, in explanation, by Mr. Berrien and from Mr. Foote, who argued that it had been established, beyond all reasonable doubt, that precedents fully sustained the motion of the Senator from Illinois, the question was then taken on the motion of Mr. Douglas, and it was agreed to.

General Shields was then qualified and took his seat.

Mr. Mangum again submitted his motion to continue the Standing Committees, the Vice President filling the vacancies.

After some discussion between Mr. Dickinson, Mr. Mangum, and Mr. Berrien, Mr. Mangum withdrew his resolution.

Mr. Turney moved that on the following day, at 12 o'clock, the Senate should proceed to the election of its Standing Committees.

On the 8th of March, Mr. Walker submitted the following motion, which was considered and agreed to.

*Resolved*, That the Select Committee, to inquire into the eligibility of the Hon. James Shields to a seat in the Senate of the United States, be authorized to send for persons and papers, and to call to their aid a person authorized to administer oaths and to take the testimony of such persons as the committee may deem proper; and to procure the proper authentication of any papers or records which the committee may have at any time before it, relating to the subject matter under its consideration.

Mr. Walker then submitted a paper in relation to the subject matter mentioned in the above resolution, which was referred to the same committee. (It was understood to be a record of a court in Illinois.)

On Tuesday, March 13th, Mr. Mason presented to the President of the Senate the report of the Select Committee, appointed to inquire into the eligibility of the Hon. James Shields to a seat in that body, stating at the same time, that before the committee agreed upon their report, information was given to General Shields, that if he desired further time to exhibit evidence on his part, the committee would receive from him, the next day, any communication he might have to make. On the next day the committee met at the usual hour, 11 o'clock, and as no communication came from General Shields, they proceeded to make their report.

Mr. Mason added, that he had been requested, however, by General Shields, to say to the Senate, that he sent a communication in writing to the Senate, but owing to some inadvertence of his messenger, that communication never reached them. It had been since shown to him, and might be seen by Senators should they desire it.

The Secretary read the report and resolution as follows:

The Select Committee to which was referred the certificate of election of the Hon. James Shields to a seat in this body, with instructions to inquire into the eligibility of the said James Shields to such seat, report:

That, having given due notice to the said James Shields, he appeared before them, and they took the subject into consideration.

They further report that the said certificate of election declares that the said James Shields was chosen a Senator of the United States by

the Legislature of the State of Illinois on the 13th day of January last; that it further appears, and is admitted by the said James Shields, that he is an alien by birth, and the only proof before the committee of the naturalization of the said James Shields in the United States is contained in the copy of a certificate of naturalization in the Circuit Court of Effingham county, in the said State of Illinois, which is annexed to and made part of this report, by which certificate it appears that the said James Shields was admitted by said court a citizen of the United States on the 21st day of October, 1840.

The committee therefore report the following resolution:

*Resolved*, That the election of James Shields to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States.

#### EX PARTE—JAMES SHIELDS.

This day personally appeared in open court James Shields, and made and filed the following declaration: James Shields, being duly sworn in open court, declares on oath that he was born in the county of Tyrone in the kingdom of Ireland, on the 17th day of May, about the year 1810; that he emigrated to the United States while a minor, and continued to reside within the United States three years next preceding his arriving at the age of twenty-one years, and has continued to reside therein since to the present time; he is now upwards of twenty-one years of age, and has resided upwards of five years within the State of Illinois aforesaid, one of the United States; that it is his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the sovereign of Great Britain and Ireland; and he further declares that for three years next preceding the present application it has been his *bona fide* intention to become a citizen of the United States. JAMES SHIELDS.

Subscribed and sworn to in open court this 21st day of October, 1840.

WM. H. BLAKELY, Clerk of said Court.

This day personally appeared in open court James Shields, a free white person, upwards of twenty-one years of age, and applied to be admitted to become a citizen of the United States, and who, being duly sworn, declares on oath in open court that he will support the Constitution of the United States, and doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly of the sovereign of Great Britain and Ireland, whereof he was born a subject; and the court being satisfied that he has fully complied with



the requirements of the laws of the United States on the subject of naturalization, and that he has resided within the United States upwards of five years, and within the State of Illinois upwards of one year next preceding this application, and that during the whole of the time of his residence in the United States he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; it is therefore ordered and adjudged that the said James Shields be admitted a citizen of the United States, and that he is hereby admitted as such.

*State of Illinois, Effingham County :*

I, John S. Kelly, Clerk of the Circuit Court in and for the said county, certify that the foregoing is a true copy of the record of naturalization in the case of James Shields, entered, as appears upon the record, on the 21st day of October, A. D. 1840.

Given under my hand and private seal, there being no official seal yet provided for said [L.S.] Court, at Effingham, this 31st day of January, A. D. 1841.

JOHN S. KELLY, Clerk.

The Vice President stated the question to be on the adoption of the resolution.

Mr. Shields rose and spoke as follows: Mr. President, I shall take the liberty of saying a few words before the Senate adopt that resolution. It may be the only opportunity I shall ever have to address this body, and therefore I shall occupy its attention for a few minutes at this time.

The objection to my eligibility has arisen in this body itself. There is no competitor here to contest my right to a seat in the Senate of the United States. I had an honorable and a high-minded opponent before the Legislature of my State—a member of the opposite party, Gen. Thornton—and I think, from my knowledge of that gentleman, that no inducement could have operated upon him to come here and contest my seat on these grounds.

There is no memorial, no petition, no application from the State of Illinois questioning my right to a seat in the Senate of the United States. Though I have a large party opposed to me in that State—and an influential and a respectable party—though I have enemies in my own party, as all public men have, I have sufficient confidence in and sufficient knowledge of my State to believe that there are not five men in that State capable of presenting a memorial to eject me from the Senate of the United States on these grounds.

From the time I have resided there—seventeen years; from the number of offices I have there held—a member of the Legislature, requiring naturalization—an auditor of the public accounts, requiring naturalization—a judge of

the Supreme Court, requiring the same qualification—Commissioner of the General Land Office—a General in the United States army—even, sir, three days Governor of Oregon—all requiring the same—and now Senator elect from that State—I think I may feel assured that my right would not now be contested by any citizen of Illinois. The gentleman who has raised the objection—the Senator from Wisconsin, (Mr. Walker)—had a perfect right to do so. I do not complain, sir, of his conduct. Perhaps it was his duty to do so. But, sir, the objection having been made—the certificate of my State having been refused on the first day of the present session—the question having been referred to an honorable, a talented, and an influential committee, I have made up my mind, and have determined to act upon it, to remain entirely passive, to let the matter take its course, to submit to the decision of this honorable body, and to throw myself again upon my State. To my own State, sir, I shall appeal, and hear what she has to say; and if she deserts me now, if my State does not answer to the appeal which I am about to make to her, I will say further, that it is my intention (though I have endeavored to prove my fidelity to my country by every act of my life) never to offer myself again for office in the United States.

Mr. President, the committee have acted upon the evidence before them. They could give no other decision upon that evidence. If necessary I could explain that evidence now. I could explain the circumstances in which I have been placed. But, sir, I have been guilty of too much rashness already. I have been guilty of an indiscretion since I came to this city that has pained me more than would my ejection from this body. I have committed errors. I have committed a wrong in writing a letter to a gentleman, recently a member of this body. I acknowledge my error; I admit my fault before the Senate of the United States and before the country. When two kind, generous, and considerate friends called upon me and pointed out to me the improper character of that letter—(I hope the Senate will tolerate me in these remarks)—and the injurious construction of which it was susceptible, I authorized them to withdraw it immediately and make any reparation in their power.

And now, standing here before the Senate of the United States—before this honorable body—and I would say it before the bar of God, to which I shall in time be called—I disavow the construction which has been put on that letter. I disavow it *in toto*. I am incapable of such a thought—I mean of menacing assassination. Sir, I could call up every man who has been acquainted with me in the United States to disavow so injurious an imputation. I could call up the gentleman who has put that construction upon my letter, and he, sir, could testify that, so far from menacing him with assassination,

I hazarded and perilled my own life in the town of Belville, where I reside, by thrusting myself between him and assassination.

Mr. President, I do not make this statement by way of complaint. I make it for the purpose of extenuating my indiscretion, and to exculpate myself from the injurious imputation which has been attempted to be cast upon me. My determination is, sir, to submit myself to the action of the Senate. To the decision of this body I will bow submissively, and then I will go to my constituents and appeal to them to reinstate me here.

I wish, therefore, sir, no opposition to be made by any friend of mine to the adoption of the resolution which has been reported by the committee.

Mr. Webster—(in his seat.) Very handsome—very handsome.

Mr. Turney made some remarks disagreeing with the construction given to the Constitution in the report of the committee, and stated that he would not vote for the resolution.

Mr. Foote moved "that the further consideration of the resolution be postponed until the first Monday in December next."

Upon which a large and interesting discussion arose, Mr. Mason on the part of the committee, supporting the resolution to which it had come. Our limits will not allow us to go into details. We shall merely state that Mr. Douglas, on behalf of his State, suggested, that the resolution of the committee had been based upon a wrong construction of the Constitution. He read the article regarding the election of Senators.

"No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be a resident of the State for which he shall be chosen."

Thus, you see, said Mr. Douglas, that the two first qualifications are required to exist only at the time the person becomes a Senator; the other qualification is to exist at the time of the election, which precedes in some cases the time of his becoming a Senator twelve or fifteen months, as was the case of the Senator from Georgia.

He then cited the case of Mr. Gallatin, and argued that by this course of proceeding they would decide that Illinois should be unrepresented from this time until a year from next January, (the Legislature of Illinois not meeting till that time,) and he hoped, especially as the clause of the Constitution under which they were acting did not require them to make any decision, that the language of the resolution, if passed at all, would be changed so as to recognize the legality of the election. The election may have been valid, and yet the Senate may have the power, under the Constitution, to vacate it.

Mr. Webster, after expressing his regret that

this debate had arisen, but perceiving that it was likely to be extended, and differing entirely with the honorable Senator from Illinois, in regard to the construction of the Constitution, he was desirous of addressing to the Senate a few words upon the subject.

I hold, most unquestionably, said Mr. Webster, that the election was void, because the person upon whom the election fell was not competent to discharge the functions of the office that was intended to be conferred upon him; that is to say, to be a Senator from the 3d of March, 1849, for six years. Now, if he could not be a Senator from the 3d of March for six years, then he was not eligible for the Senatorial term, and it might just as well be said that he might be elected when he had been a citizen six years, and await the lapse of three years before commencing his period of service, as it may be said that he may be elected and await the lapse of nine months. That proposition is so clear that I think a little reflection will satisfy every gentleman on the subject.

After which, Mr. Webster proposed that the further consideration of the report should be adjourned till the following day, which was agreed to.

The debate was resumed the next day, Mr. Webster, Mr. Douglas, Mr. Rusk, Mr. Atchison, Mr. Foote, Mr. Seward, and Mr. Calhoun taking part in it.

Mr. Calhoun said that nothing could be more certain than that if General Shields were not then a Senator of the United States, he could not become such by postponement, unless he should allege that he had evidence which would in all probability be satisfactory to the Senate, that the term of nine years had expired before the 4th of March. If such an allegation should be made, it would be the duty of the Senate to postpone it. No such allegation being made, it is a duty which the Senate owes to the State to decide the question at once. For these reasons, unless General Shields should make the allegation, such as he had indicated, he should feel bound to vote in favor of the resolution properly amended.

And now, sir, continued Mr. Calhoun, I come to a point of some little importance; and it is, that the question here involved should be clearly settled, not only for the present, but for all future time. My opinion is that the resolution is not entirely correct. It would seem to conclude that all cases of election are void unless nine years shall have expired on the day of the election. I think that is not according to the Constitution. My opinion is, that, if the nine years are consummated previous to the 4th of March, the election is good, and is not void. I propose, therefore, to add to the resolution the following words: "At the commencement of the term for which he was elected."

Mr. Webster. That's right; I hope that amendment will be adopted.

Mr. Shields. My honorable friend, the Senator from Mississippi, (Mr. Foote,) introduced his motion without my knowledge or consent. I now most respectfully request him to withdraw that motion.

Mr. Foote. With great pleasure, if it is the desire of the honorable Senator. It is certainly true that I made the motion without consulting him on the subject.

Mr. Shields. The motion to postpone having been withdrawn, I now, with permission of this honorable body, tender my resignation.

The letter tendering the resignation was conveyed by a page to the Secretary's desk.

Mr. Webster. It cannot be read, sir. I now move to amend the resolution by adding the words suggested by the Senator from South Carolina.

Mr. Hale. I hope the letter of resignation will be read.

Mr. Webster. It cannot be read, sir.

Mr. Cass. Is it in order to move to lay the resolution on the table?

The Vice President. It is in order.

Mr. Cass. Then I make that motion.

Mr. Webster. I call for the yeas and nays, sir.

The yeas and nays were ordered.

Mr. Webster. I suppose the object of the Senator from Michigan, in moving to lay the resolution on the table, is to lay the report on the table also.

The Vice President. That will be its effect, as I understand it.

The yeas and nays were then taken, and resulted as follows:

Yeas, 15—Nays, 34.

The question then recurred on the amendment.

Mr. Foote desired the resolution to be read as it would stand if the amendment were adopted.

The Secretary read as follows:

*Resolved*, That the election of James Shields to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States at the commencement of the term for which he was elected.

After a very lengthened discussion between Mr. Foote, Mr. Douglas, and Mr. Underwood, in favor of receiving the resignation, and Mr. Webster, Mr. Berrien, and Mr. Butler, against it, the further consideration of the subject was adjourned till the next day.

Upon which, Mr. Hale asked for the reading of the communication from General Shields.

It was read by the Secretary, as follows:

SENATE CHAMBER, March 14th, 1849.

MR. PRESIDENT: From the time that my right to a seat in this body became a subject of inquiry and investigation, I determined to abstain from entering into any contest in rela-

tion to that right, and to submit unhesitatingly to the action of the Senate. As there is now a prospect of debate and contest on this resolution, I will relieve the Senate by tendering my resignation and referring the matter back to my constituents. I therefore hereby tender my resignation.

JAMES SHIELDS.

Mr. Hale then moved that the Chair be instructed to inform the Executive of Illinois that Gen. Shields had resigned his seat in the Senate of the United States.

The further consideration of which was also postponed to the following day.

The discussion was resumed on the 15th of March, with heightened vigor, upon which occasion Mr. Foote, in a lengthened and most energetic speech, compared the persecutions to which General Shields had been subjected, to those endured by our Saviour, and also to those of Marcus Manlius, surnamed Capitolinus, whom the ungrateful Romans, notwithstanding his heroic defense of the Capitol, had condemned to be cast down the Tarpeian Rock.

Mr. Foote warned the Senators, in the first instance, to take heed that they suffer not some portion of the curse under which the Jewish nation had been groaning for so many centuries; and, in the second, that a pestilence promptly followed the ingratitude of the Romans, and which was attributed by most men to the displeasure of the gods at the punishment inflicted on Manlius.

The question being taken upon the amendment, (Mr. Calhoun's,) it was adopted.

Mr. Douglas then moved to amend by striking out all after the word "resolved," and inserting the following: "That the Vice President be requested to notify the Executive of Illinois that the Hon. James Shields has resigned his seat in this body." And upon that motion he asked for the yeas and nays.

They were ordered. The result was as follows:

Yeas—Messrs. Cass, Chase, Douglas, Downs, Fitzpatrick, Foote, Jones, Rusk, Soule, Sturgeon, Underwood, and Yulee—12.

Nays—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Borland, Bradbury, Bright, Butler, Calhoun, Clarke, Cooper, Corwin, Davis, of Massachusetts, Davis, of Mississippi, Dawson, Dickinson, Greene, Hamlin, Hunter, Mangum, Mason, Miller, Morton, Phelps, Seward, Smith, Spruance, Upham, Wales, Walker, and Webster—32.

The question was then taken on the resolution as amended, and it was adopted without a division.

Mr. Webster moved that a copy of the resolution, certified by the Secretary, be transmitted by the Vice President to the Executive of Illinois.

The motion was agreed to.



RECIPROCITY AND EQUALITY IN THE NAVIGATION LAWS, BETWEEN ENGLAND AND THE UNITED STATES.

On the 12th of March, Mr. Webster offered the following resolution:

*Resolved*, "That the President of the United States be requested, if in his judgment not incompatible with the public interests, to transmit to the Senate any instructions which may have been given to the Minister of the United States, in London, offering a further extension of reciprocity and equality in the laws of navigation; and more especially such instructions, if any, as contemplate the opening of the coasting trade of the United States to the ships and vessels of other nations."

Mr. Webster said that he offered this resolution in consequence of information received by the very latest arrival from England. In the advices by the last steamer, at Halifax, and transmitted by telegraph, it was stated that Mr. Labouchere, the President of the Board of Trade in England, "has again brought forward the Government proposal, for the modification of the navigation laws; and Mr. Bancroft, the United States Minister, had stated, that to whatever extent in liberality the British Parliament may be disposed to legislate in this matter, he is ready and willing to sign a convention immediately, based upon the most complete reciprocity, so as to open the entire coasting trade of the two countries to the vessels of both nations." His object, for the present, was only an inquiry. He supposed that if it were the pleasure of the Senate to adopt the resolution, it might be answered before they finally adjourned. But if there were not an opportunity to receive an answer during the session of the Senate, one part of his purpose would, at least, be accomplished, that of drawing the attention of the country to this most important subject. He did not intend to pronounce any opinion for the present, but he must confess that he was a little startled to find that the American Minister, now remaining in England, had, at the present moment, and under existing circumstances, offered to act immediately on a proposition for a convention to throw open the whole coasting trade of the United States freely, and without discrimination, to British vessels.

He had only two things to suggest for the present consideration of the Senate and the country. The one, that if we enter into this reciprocity with Great Britain, and open to her ships the whole coasting trade of the United States, we are bound, of course, to do the same thing to the powers of the North of Europe, and to admit the ships and vessels of Bremen and other of the chief navigating states and countries of that part of the world to the same privileges.

Before this question should be decided, it

would be well for us to be brought to a consideration of the experience we have had, since we opened the trade between ourselves and certain powers of Europe and certain powers of America to the ships and vessels of third parties. And it will become us to see how far the interference of ships and vessels of the northern part of Europe, for example in the trade between the United States and Brazil, has lessened or increased the interests of ships owned in the United States, and all those concerned in navigation.

Another thing to be considered was, how infinitely small is the coasting trade proper, between the ports of England and her European dominions, compared with the coasting trade of the United States. Why, the coasting trade of the United States employs the greater part of the tonnage of the United States; and that trade, as it is, and is to be hereafter, will employ our shipping in voyages, some of which will be the longest prosecuted on the globe. They will be voyages from the Atlantic cities, on the north and northeastern coast, around Cape Horn, to Oregon and California. If any proposition, as it seems has been suggested, should be adopted by the government of the United States, it would follow that all the products or manufactures of the United States, might be freely carried in British or other foreign ships, from Boston and New York, not only to New Orleans, but round the Cape to our own ports on the Pacific, as freely as they might be carried in our own vessels.

Mr. Webster wound up his remarks by observing that it was not then his intention to discuss the grave and great question connected with the subject, but merely to ascertain whether it was true that our Minister in England had been authorized to enter into a convention which would uproot, substantially, the principles of our navigation laws as they have existed for sixty years. The subject, he repeated, well deserved the attention of the country.

The resolution was agreed to.

PROHIBITION TO FOREIGN IMMIGRANTS TO WORK THE MINES OR PLACERS IN CALIFORNIA.

The following Proclamation was issued by General Smith, at Panama, to the amazement of the numerous foreigners there assembled.

PANAMA, Jan. 19th, 1849.

To Wm. Nelson, Esq., U. S. Consul, Panama.

Sir: The laws of the United States inflict the penalty of fine and imprisonment on trespassers on the public lands. As nothing can be more unreasonable or unjust than the conduct pursued by persons not citizens of the United States, who are flocking from all parts to search for and carry off gold from the lands belonging to the United States, in California; and as such conduct is in direct violation of law, it will become my duty, immediately on my arrival there, to put these laws in force, and

to prevent their infraction in future, by punishing, with the penalties provided by law, all those who offend.

As these laws are probably not known to many who are about starting to California, it would be well to make it publicly known that there are such laws in existence, and that they will be, in future, enforced against all persons not citizens of the United States, who shall commit any trespass on the lands of the United States, in California.

Your position, as Consul here, being in communication with our consuls on the coast of South America, affords you the opportunity of making this known most generally, and I will be much obliged to you if you will do it.

With sincere respect, your obt<sup>d</sup> serv't,

PERSIFER F. SMITH,  
Brev. Major General, U. S. A.,  
Commanding Pacific Division.

We cannot avoid observing upon this document, that it appears to us that the late government of this country has shown itself remiss in not openly avowing their intentions, with regard to foreign immigrants arriving in California. We cannot for a moment imagine that General Smith would have issued such a proclamation had he not received instructions from the Government, authorizing its promulgation. Consequently, the government must have entertained these views previously to the departure of General Smith from Washington. We therefore think that, in common justice to the hosts of alien immigrants who were flocking to the shores of the Pacific, the government was bound to give them the earliest possible notice of its intentions to prevent their working the mines there. This could have been done by a simple notice in the public journals, and it would have produced a better effect, and at the same time have been more decorous than publishing them in Panama. It has been seen by the papers that the people of South America, particularly those of New Grenada and Peru, have felt themselves aggrieved by this interdiction—not that they mean to respect it—for they allege that it is altogether unprecedented and contrary to the laws of nations. As a proof of this, they invite all foreigners to come to their shores and seek for gold; it is the interest of their governments to promote enterprises of that nature. We opine that General Smith will find it very difficult to carry out the threatened interdiction. Perhaps the best method the government of the United States could pursue, if it wishes to derive a fair advantage from the gold found in its new territory, would be to establish a mint there, charging a fair per-centage on the conversion of it into coin, or to levy a duty on its exportation.

#### COLONEL FREMONT'S EXPEDITION.

The published letters from Col. Fremont and his friends left him ascending a mountain, and

within five or six miles of the summit. But this elevation he never reached. A storm came up, which forced him to retreat, and to seek shelter in the valley below. Here, it is said, the snow drifted and accumulated to the depth of thirty or forty feet, and the party lost all their animals, and were compelled to leave their entire outfit. The snow covered the animals and everything else from view, and Col. Fremont and his party were driven to seek safety on the sides of the mountain. In this emergency, Bill Williams, a hardy mountaineer, and two others, volunteered to seek succor from the nearest settlements; and it was arranged that they should return in twenty days. As they failed to do so, however, Col. Fremont, and one or two others, resolved upon attempting to reach Taos; and on the sixth day from their leaving camp they overtook Williams and one of his companions. The other (Mr. King, of the District of Columbia) was represented to have died of exposure and of hunger; and, in the extremity to which they were driven, the survivors were forced to eat a portion of his body. Col. Fremont made his way to Taos, obtained aid, provisions and horses, and then set out in search of his party. But more than one-third of his men had, in the interval of his absence, died from exposure and hunger; and one or two had given out, and were left to die, when he came up with them. The number who thus perished is stated at eleven, of whom we have the names of only three—Mr. Wise, of St. Louis county, and Mr. King and Mr. Preuss, of the District of Columbia. Captain Cathcart, of the English army, was among the survivors. We shall receive to-day, most probably, full accounts, and it is not necessary to go into further detail. Col. Fremont lost his whole outfit—his mules, instruments, baggage, and everything else of value.

On his arrival at Santa Fé he was furnished with horses by the quartermaster, and with stores by the commissary of the United States; and, after recruiting his party, he again set off for California, taking the route pursued by Col. Cook, in 1847. He and his party have suffered terribly in this expedition, and it will be a warning to others, never to attempt such a journey in midwinter.—*New York Herald*.

#### RECEPTION OF THE DIPLOMATIC CORPS BY THE PRESIDENT.

On the 12th of March, at one o'clock, pursuant to previous arrangement, the President of the United States, surrounded by his constitutional advisers, received the salutations of the representatives of foreign governments, at Washington, on the occasion of his accession to the chief magistracy.

The whole number of the members of foreign legations present was, we understand, thirty-two, all in their official costumes.

The address, on behalf of the diplomatic corps, was delivered by the oldest member of that corps present, Gen. DON CARLOS MARIA DE ALVEAR, Minister Plenipotentiary and Extraordinary of the Argentine Confederation, in the following terms:

MR. PRESIDENT: The diplomatic corps, accredited to the government of the United States, has the honor, through me, to express to you, the chief magistrate of this Republic, their sincere congratulations on your recent election to the presidency, which, they are profoundly convinced, will redound to the honor and happiness of the great people over whom you have been called to preside; and that those relations of peace and friendly intercourse which now so happily exist between the United States and the various countries which we have the honor to represent, will be preserved and perpetuated, to the mutual advantage and well-being of all. And you may be well assured, sir, that nothing shall be wanting on our part to contribute to so desirable a result.

We take advantage of this occasion, Mr. President, to express to you our most cordial wishes for your health and happiness.

To which address the President replied:

GENTLEMEN: I accept, with lively satisfaction, the congratulations which you have been pleased to tender to me upon this occasion. You may be assured that it shall be my undeviating endeavor, to cultivate with the nations which you respectively represent the most cordial relations of amity and good-will. In this I shall be guided by the cardinal policy of this government, and, I doubt not, cheered by your kind and zealous co-operation.

Permit me also to offer to you, individually, my best wishes for your welfare.

The President was then presented, individually, to the gentlemen composing the corps, exchanging salutations with them, in his usually cordial manner.

On Monday, March 19th, at three o'clock, M. BODISCO, the Minister from the Emperor of Russia to the United States, with his two Secretaries—not having been able to attend at the general reception of the diplomatic corps—was received by the President of the United States, to whom he made the following address:

[Translation.]

MR. PRESIDENT: Remarkable military deeds, accomplished amidst trying difficulties, and enhanced by great modesty, have brought to the knowledge of the American people your high qualifications. Your energy and your wisdom have been deservedly appreciated, and magnificently rewarded, by the supreme magistracy to which the choice of a great nation has elevated you.

The conservative principles you have proclaimed, and the assurances you have given,

will be everywhere accepted as pledges of peace; and all interested in the welfare of the Union must sincerely wish, that the success of your administration should completely correspond to your good intentions and devotion to your country.

The Emperor, my august master, taking a permanent interest in the welfare of the United States, has learned, with great satisfaction, that the national decision has called to the presidency a citizen so distinguished for his eminent qualities and his great integrity.

The firm and honorable policy of the Emperor, the benevolence and purity of his intentions, give great facilities to his ministers, in their relations with the governments to which they are accredited. I am, Mr. President, highly gratified to be able to add, that my official intercourse has always been perfectly satisfactory. The successive administrations, during the time of my residence in Washington, have uniformly shown me the kindest dispositions, and I have constantly found that they were equally anxious to insure the continuation of the excellent relations so happily existing between Russia and the United States. I am convinced, Mr. President, that those friendly relations will receive a stronger impulse under your auspices, and you will permit me to assure you that I really wish to render myself worthy of your confidence.

To which address the President responded in the following terms:

SIR: The desire which you have expressed, to render yourself worthy of the confidence of this government, cannot fail to be realized, if your future career shall correspond to your past conduct. During the long period for which you have been accredited at Washington, you have formed ties and associations in our country which have given you an interest in its continued and increasing prosperity, and you have secured the friendship and affection of the social circles in this District, while the confidence of your august sovereign has been the merited reward of your fidelity to the true honor and interests of Russia. It shall be my study to cultivate and strengthen the friendly relations between the United States and Russia—relations which have hitherto been cemented by mutual good offices, and which I hope may ever remain unimpaired. It requires no prophetic eye to discern that a mutually beneficial intercourse is destined, and perhaps speedily, to arise between the territories of our respective nations, which border on the Pacific.

Thanking you, sir, for the kind allusions you have been pleased to make touching myself personally, I welcome you most cordially, as a gentleman with whom official relations will be made agreeable by the courtesy of his deportment, and as the representative of a great nation, on terms of the most friendly intercourse with my country.



## FOREIGN MISCELLANY.

THE Irish Poor Law is the cause of much discussion, and of considerable difficulty to the government. The distress in that country is still extreme, and the ministry find it no easy task to provide even temporary alleviation. Hitherto, the rate for the relief of the poor in Ireland has been levied on the same principle which prevails in the other parts of the British Empire; each district has had to support its own poor, and by local taxation to provide the means for that purpose. One great object of this distribution is to render it more to the interest of property owners to give employment to their laboring neighbors, and thus secure a return for their outlay, than to pay money for the support of paupers, from whom they derive no benefit; whilst, at the same time, by giving employment, they effect the desirable object of lessening the number of those compelled to submit to the loss of moral independence, engendered by the receipt of alms. The state of Ireland has, however, been such, for some time past, that the poor-rate has been a most unequal burden—some portions of the country having only had to raise a moderate taxation, while the amount of pauperism in other districts has been so great, that it has become impossible for the inhabitants to raise the requisite funds. To remedy this, a proposal is made to impose on less burdened districts a rate, in aid of their more heavily taxed countrymen: but to this the former object, in the most vehement manner, declaring that, if a rate in aid is necessary, justice requires it should extend over the whole kingdom, and thus embrace the population of England and Scotland; who, in their turn, answer, that if equality of taxation is to be the principle acted on, it ought to be extended to all descriptions of imposts, and the Irish be charged with the Assessed Taxes and the Income Tax, from which they are now exempt. They also complain that they are already heavily burdened by the swarms of Irish paupers in England and Scotland, for whose support they are compelled to provide.

In the course of a debate on the Irish Poor Law, Sir Robert Peel said, he saw no hope for the permanent improvement of the west of Ireland, except from some comprehensive plan for transferring the land from its present to entirely new proprietors, with new spirits and new feelings, who would have the capital, the ability, and the energy to cultivate the soil properly. He suggested that, for this purpose, the government, through means of a commission,

should get possession of it by purchase, and arrange the distribution to settlers, without regard to religious distinctions. He also expressed his opinion, that there can be no permanent good from grants of money alone, but that the scheme he proposed, carried into effect without violating the rights of property, would lay the foundation for the future prosperity of Ireland.

The bill for the alteration of the navigation laws passed a second reading in the House of Commons, on the 12th March, by a majority of 266 to 210. The smallness of the majority was a cause of great rejoicing to the opponents of the measure. It is not supposed that the bill will pass the House of Lords.

Mr. Cobden, on the 26th February, brought forward the proposition for a reduction of the national expenditure, which he has been for some time past advocating in the Financial Reform Association. He did not propose any very large present reduction—indeed, his speech was exceedingly vague and indefinite on that point—but proposed that a gradual diminution should be effected, until the expenditures were reduced to the amount of those of the year 1835—£44,420,000, being about ten millions less than the present amount. The increase he attributed chiefly to the augmentation, at various times and in anticipation of difficulties with foreign nations, of the naval and military establishments, while no corresponding decrease had been made on the disappearance of these temporary difficulties; and it was in these branches of the public service only, that he anticipated any large reduction could be made. He justified his taking the year 1835 as a standard, by referring to Pitt, and other ministers, who had selected particular years in founding their estimates after the conclusion of different wars. The Chancellor of the Exchequer stated, in reply, that a large portion of the increase was of a temporary nature, caused by the Caffre and China wars, the necessity of large outlays in the creation of a steam navy, and in improved arms, now adopted by other nations, and without which it would be both cruel and impolitic to send troops or search into actual warfare. In the charges for these, considerable reductions had already been made; and the government proposed to reduce the army by 10,000 men, making it 103,000, exclusive of soldiers employed and paid for by the East India Company.

A reduction of expenditure was effected last year, without a reduction of the forces, to

£828,500. That proposed in the estimates of the present year, as compared with the reduced estimates of 1848, would amount, in connection with the navy, to upwards of £730,000. He calculated, in the income for the present year, to lose £780,000 on corn, which, with other amounts not receivable, would make the income £1,360,000 less than that of last year; to meet which, reductions would be proposed to the extent of £1,447,353. Mr. Cobden's proposition was negatived, on a division of 275 to 78.

The Bishop of Exeter, one of the most intolerant men of the present day, has lately adopted a proceeding which has brought great odium against him. The Rev. Mr. Shore, a curate in the diocese of Exeter, having, at the Bishop's suggestion, been deprived of his office by the new rector, seceded from the Established Church, and continued his ministerial labors as a dissenter. For this he was prosecuted in the Ecclesiastical Court, by the Bishop, under a canon of the year 1603, forbidding any man, admitted a deacon or minister, from voluntarily relinquishing the office, or afterwards using himself, in the course of his life, as a layman, upon pain of excommunication. This law had slept for two centuries, and was considered obsolete, if not actually repealed by a statute passed in the first year of the reign of William and Mary, relieving persons from prosecution in ecclesiastical courts for non-conformity, on taking the oaths and making the declarations prescribed by that act; but Mr. Shore was convicted and imprisoned for the costs of the prosecution. This persecution, which no other Bishop would have instituted, has caused great excitement in the minds of both churchmen and dissenters, and is likely to result in the repeal of the obnoxious law, a bill for that purpose having passed its second reading in the House of Commons, which is looked upon as a parliamentary censure of the Bishop's course.

Mr. T. B. Macaulay, who was elected Rector of Glasgow University, received a most flattering reception at his installation. The freedom of the city was also voted to him. On both occasions he delivered short, but excellent addresses, in the latter of which he announced his retirement from political life.

Paris has resumed, to a great extent, its wonted gaiety. Trade is continuing to increase; strangers arrive in considerable numbers, and balls, fetes and parties abound. But notwithstanding all these flattering appearances, the state of the country continues most unsatisfactory; and it is evident nothing but the strong arm of military rule prevents constant outbreaks. The approaching elections have set all political parties in movement. The Legitimists and Orleanists are said to have coalesced, and to have refused to co-operate with the partisans of the present President; while the Red Republicans, headed by the modern Danton—

Ledru Rollin, and the Socialists, under the guidance of Proudhon and Pierre Leroux, called "the Philosopher of Love," have agreed to join their forces for the coming contest. On the anniversary of the Revolution, numerous disorders occurred in the provincial towns. The *bonnet rouge* was hoisted in various places, and the usual war-cries of the Mountain were shouted by mobs, who were prevented from acts of violence only by strong military force.

The execution of two of the murderers of Gen. Brea took place in Paris, on the 17th March, in presence of a vast assemblage. This act has caused loud denunciations of the President by the members of the Mountain, who accuse him of having restored the guillotine, and go the length of calling him an assassin. M. Leroux, in the Assembly, accused the government of erecting political scaffolds, and was so violent in his language and conduct that, after being twice called to order, he was prevented from continuing his address. A tumultuous scene occurred in the Assembly, on the 10th March, on a demand made by the Minister of Finance, for an additional allowance of 600,000 francs a year, to cover the President's expenses of public receptions and entertainments. The Mountain created a prodigious uproar, but it was shown that the demand was contemplated by the Constitution, and had been actually included in the budget of the present year. The proposition was therefore carried, by a vote of 418 to 341.

The trial of Barbés, Blanqui, Gen. Courtais, Albert, and others, implicated in the insurrection of May last, commenced, before the High Court of Justice, on the 1st March, and was proceeding at the last accounts. It created considerable attention at Paris at first, but, as it progressed slowly, the interest had begun to flag. Several of the prisoners refused to answer the interrogatories put to them; and some even refused to appear in court, so that the judges were compelled to make an order for their being forcibly dressed and brought to the bar. Their appearance, when placed there, showed the length to which their resistance had been carried. Louis Blanc and Caussidière have reconsidered their determination to abide a trial, and decline to appear.

The Socialists have been extremely active in their endeavors to corrupt the army, particularly the troops in and around Paris. Tracts and writings have been freely distributed, and great boasts have been made of the success of their efforts. On the 10th of March an order of the day was issued and read to every corps in Paris and the environs, by which the colonels were ordered to forbid the military men under their command from frequenting the clubs, to prevent their hearing "the wild doctrines of demagogues, so opposed to their duty." With a view of removing the troops as much as possible from contamination, it is contem-

plated to form a permanent camp of 20,000 men at St. Maur. This is also an additional proof of the solicitude of the government for the security of the capital.

The law for the suppression of the clubs passed its second stage in the National Assembly, by a vote of 378 to 359. This decision has given general satisfaction. The voting was by secret ballot, which is said to account for the smallness of the majority, for had the vote been open, it is thought the majority would have amounted to 200, as the members of the Mountain are so convinced of the odium with which these hot-beds of anarchy are generally regarded, that few would have hazarded an open vote in their favor. The members of a secret society, 35 in number, have been arrested at Neuilly and lodged in gaol, and on the 27th February upwards of 200 arrests took place in the Faubourg St. Antoine, of persons whose passports were irregular or suspicious. Notwithstanding the general satisfaction evinced on the measure against the clubs, it was feared that the Red Republicans meditated an outbreak; and on the 23d March the military measures so frequently necessary to preserve the peace of Paris were resorted to in all their force; every precaution was taken to prevent surprise, and the troops were ordered to fire instantly on any parties attempting to form barricades. Rumors were in circulation of a rising to take place on the following day.

The King of Holland died on the 17th March, having completed his 56th year in December last. Being driven from Holland with his father, on the formation of the Batavian republic, he went to England, where he was placed under the charge of the late Archbishop of Canterbury, from whom he received his education. At the age of 19, as Prince of Orange, he entered the British army, with the rank of lieutenant colonel, and served under the Duke of Wellington, as an extra aid-de-camp, in the Peninsula from 1811 to 1814. He commanded the Dutch troops in the campaign in 1815, and was severely wounded at Waterloo, after having been actively engaged in the preceding battles. He married a sister of the present Emperor of Russia, in 1816, and succeeded to the throne in 1840, on the abdication of his father. It was generally considered the late King of Holland would have been the husband of the late Princess Charlotte, of England, the only daughter of George the Fourth; but her personal preference led to her marriage with Prince Leopold, of Saxe Cobourg, who, on the separation of Belgium from Holland, in 1830, was called to the throne of the former country, to the exclusion of the House of Orange. The eldest son of his late majesty is now King of Holland, with the title of William III.

The North and South of Italy are again in actual warfare. The King of Sardinia having

refused to continue the armistice, has again commenced his march into Lombardy, at the head of a large army, with the declared determination of driving the Austrians out of Italy. Radetzky, who still commands the latter, has a force about equal in number, and a general engagement was expected to take place shortly. The Austrian General issued two manifestoes, one to his army, who are said to be in high spirits, stating his determination to dictate a peace at Turin, and the other to the inhabitants of Lombardy, threatening instant and severe vengeance on any attempts at annoyance in his rear. The cessation of the armistice was announced to Marshal Radetzky on the 12th of March, by a special messenger, to his headquarters, at Milan.

The Sicilians have rejected the proposition of the King of Naples, made through the intervention of the French and English Admirals, who have accordingly prepared to retire. Both parties are actively engaged to recommence hostilities, and it is much to be feared that the horrid barbarities practised on both sides will be again enacted.

The Roman Constituent Assembly have decreed that all church-bells, not strictly necessary, shall be melted down for cannon, except those of cathedrals, parish churches and such as are valuable as works of art; they have seized some convent bells and imprisoned the monks who attempted to resist; the revenues of several churches are also declared confiscated, and it is rumored the Republican Government intend raising money by sale of the paintings and works of art in Rome. The Pope has issued his protest against the formation of the Republic, and the Austrians have entered the Roman territory and occupied Ferrara, with a view of restoring the Pope to his throne. The measures against the Church and its property have caused great dissatisfaction. Several arrests have been made in the Roman States, of priests and others charged with reactionary proceedings; among others, Cardinal De Angelis, Bishop of Fermo, has been placed in durance, and several persons have been shot for disaffection to the Republic.

A proposal was brought before the German Parliament, at Frankfurt, to appoint the King of Prussia hereditary Emperor of Germany. On the 22d of March a division was taken, which resulted unfavorably to the project. The Cologne Gazette gives the following as the result:

|                    | Against the motion. | In favor. |
|--------------------|---------------------|-----------|
| Austrians,         | 115                 |           |
| Prussians,         | 38                  | 150       |
| Bavarians,         | 54                  | 12        |
| From other States, | 86                  | 90        |
| Total,             | 293                 | 252       |



Mr. Von Gagern and the rest of the ministry have resigned in consequence, and great exasperation and confusion exists among the different parties.

The Prussian Chambers were opened by the king on the 26th of February, amid demonstrations showing a great reaction against the ultra democratic feelings of last year. The constitution granted by the king is to be considered by the churches and to be amended, if necessary, to meet the interests and desires of the country generally. The Chambers are also to deliberate on the laws necessary for carrying its provisions into effect, particularly on the subjects of education, church patronage, income, and land taxes, and the establishment of discount banks.

The war is still slowly waged in Hungary; the resistance of the Magyars is determined and obstinate. It is rumored that Russia has proposed or consented, if necessary, to undertake the pacification of Hungary and send troops to preserve peace in the Austrian territory, should the government require to withdraw their forces, for the prosecution of the Italian war.

The most interesting news of the month is that the Emperor of Austria, finding the discussions of the Diet assembled at Krausier to be of a vague and interminable character, has dissolved that body and promulgated a new constitutional code for the whole monarchy. The code was accompanied by an imperial manifesto, setting forth that after several months' discussion the Diet had failed to frame a constitution—that their delay, and also the indulgence in theoretical debates, which were not only decidedly opposed to the existing relations of the monarchy, but in an especial manner to the establishment of a regular system of laws in the state, greatly retarded the return of tranquillity and public confidence, and imparted

fresh activity and confidence to the mischievous and evil disposed: that for the purpose of putting an end to this unsettled and disastrous state of affairs, and to restore tranquillity and prosperity to the empire, his Majesty had determined to dissolve the Diet, and, *proprio motu*, to grant a constitutional charter for the one and indivisible Empire of Austria, on the following principles: 1. To render the unity of the whole empire compatible with the independence and free development of its constituent parts, to provide a strong executive for the whole empire, and one protecting law and order, compatible with the freedom of individuals, of communes, of the countries belonging to the crown, and of the various races. 2. To establish a powerful government, which, alike removed from a contracting system of centralization, and one of dissolving diffusiveness, shall afford sufficient guaranties for the noble powers of the country, and for internal and external peace. 3. To create a system of finance which shall be economical, alleviative as much as possible of the burdens of the citizens, and having the guaranty of publicity. 4. To effect the total liberation of landed property from feudal dues, through reasonable indemnification, and with the mediation of the state; and, 5. The securing of true liberty by upholding the laws. By this constitution all restraint on the movement of citizens within the empire ceases; the freedom of emigration is circumscribed only with reference to the duty of military service; every kind of personal bondage or feudal subjection is abolished; every slave entering Austrian territory, or an Austrian ship, becomes free, and all citizens are equal before the law, and amenable to the same courts of justice. The well disposed part of the community are said to be highly satisfied with this constitution, the promulgation of which was hailed by a general illumination in Vienna.

## EDITORIAL NOTICES.

*Correction of the Article on the Southern  
Caucus. (March Number.)*

In the article on the Southern Caucus in our March number, we find the following: "On casting an eye over the Constitution we find no such 'express terms,' (reserving powers not delegated to the general government, to the States, or to the people respectively.)" This should have been differently expressed—as follows: "On casting an eye over the Constitution we find no express terms, reserving *specific* powers to the people or the States," &c. And again, (page 225,) it is said, "We do not find by the *express terms* of the instrument a reservation of rights respectively to the States and to the people;" which should have been, "We do not find by the express terms of the instrument a reservation of *specific* powers to the States," &c.

The amendments of the Constitution distinctly and in *express terms* declare as follows: "Art. XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

"Art. XII. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The *real* exception to what was intended to be conveyed, to wit, that no *specific* rights or powers are delegated to the States or the people, are in the appointment of militia officers; and the *apparent* exceptions are in the asserting of certain rights, as that of bearing arms, assembling, petitioning, &c., which it is provided shall not be infringed.

The authors of the Manifesto contended that the power over the territories was not conferred by the Constitution upon the general government, and was therefore by the XIIth amendment reserved to the States respectively or to the people. They then, confounding the States with the people, argued that citizens of Southern States had the power to carry what property they chose into the territories.

The author of the article had in his mind the fact that no *powers of government*—no *specific* rights, such as *could* be exercised by the general government, (with the exception named,) were reserved to the States, or to the people, *individually*. He did not properly nor fully express his own meaning, and the omission of the word *specific* conveys a wholly false impression of it. For, it is clear, that the XIIth amendment does not reserve any

power, to any one State, or person, over things common to all the States: what is reserved to the States respectively must be within the limits of each State and its separate territory. And what is reserved to "the people," or in other words to *individuals*, (in the meaning of the amendment,) cannot be out of the sphere of an individual; nor can be predicated of what is common to THE PEOPLE as a *nation*.

If the national territory belongs to the States "respectively," it does not belong to the States *collectively*. If it belongs to the States respectively, (or separately,) it does not belong to the people, or to individuals, either respectively or collectively. But if it is the national property, then it belongs neither to the States respectively or collectively, nor to the people individually; but to "the people of the United States," in their national capacity, as organized under the Constitution.

Now, as they are, the XIth amendment declares, that nothing in the Constitution shall disparage rights retained by the people: much less then can it disparage national rights retained by the nation as a whole, and necessary to its existence. Such a right is that of full sovereignty over the national territories, and the power of legislating in them for the good of the whole.

*The Article on California.*

In the last number of the Review, (for April,) it is stated in the article entitled "California," that the new territories of the Union were gained "by fair purchase" from Mexico. As it sometimes happens that the original author of an article in the Review is not responsible for everything in it, the MS. being sometimes submitted to several critical hands for revision, it is usual for the editor in such cases to assume the entire responsibility of the article; the name of the first author being, of course, not communicated to the public, unless by his own desire. It happened, however, that the original authorship of the article on California was known by some few of our subscribers, and the writer, unwilling to father that part of it for which others were responsible, announced through the daily papers that he was not the author of the sentiment above noticed, not however giving his name. This announcement was of course intended only for those few subscribers in New York who happened to know of the authorship.

The announcement made in this formal style, gave rise, incidentally, to much argu-

ment, as to the soundness of the doctrine which our original author was so impatient of having laid at his door. It may, therefore, seem not improper to say a few words to our friends in justification.

The expression "*fair purchase*" is perhaps too strong; it should perhaps have been "*lawful purchase*," or some other expression, signifying a *regular purchase* and sale.

The doctrine maintained by the Review, since November, 1847, is, that no territory, consistently with the theory of our government, can be wrested from, or conquered from, a neighbor; and that if territory is so wrested, (unless under a plea of indemnity, when our neighbors have undertaken a piratical expedition against us, and their territory is properly confiscated to pay the cost they have put us to, by unjustly invading us, or harassing our border,) it is in direct violation of the spirit of free government, as we understand it.

It has been argued, in various articles, since that time, that a deliberate scheme of conquest, for the augmentation of territory, was no better than a system of land piracy, and that the Senate of the United States could not, consistently with their office as the guardians of State rights, ratify any piratical treaties; that if they did so, they would destroy the government by setting up a precedent in direct opposition to every principle of liberty and humanity.

The editor believes that the arguments given in the Review against "*rights of conquest*," refusing them admission among the category of "*rights*," and maintaining that a system of such rights could not be established without subverting all the "*rights of the individual*," as well as of "*State sovereignties*," appeared first of all in the journal of which he is the editor. These arguments were afterward repeated and echoed, (or originated,) by other public journals all over the Union, and became the common property of the Peace party.

The editor cannot therefore be charged with having "*justified the war*" in any instance, though he may be with having justified our present title to New Mexico and California. The editor holds that these countries, at least the rocks and soil of them, were *purchased* by the administration from Mexico. That the sale was *wholly* forced upon Mexico, he is not prepared to admit, but insists that the territory was not acquired by conquest.

Our readers will remember that the war party, with the administration at their head, set out with a full intention, openly expressed, of "*absorbing*" Mexico. That the first step of this process of absorption was the conquest of the country beyond the Neuces. That Mexico was to pay us for the trouble and expense we had incurred in robbing her of her territory. We were to be "*indemnified*" by Mexico for the cost of pirating her land; which was as though a robber should charge a householder the cost

of his pistols and burglars' tools, after robbing him.

Had Mexico been notoriously the aggressor, and our war a war of self defense, we might indeed have forced an "*indemnification*," and she, God willing, should have paid the cost of war. But the case was different. *We* were the aggressors, and had Mexico been strong enough, the justice of nations would have justified her in forcing an indemnification.

Now what were the *facts*. The administration, driven by public opinion and the want of money to put a sudden end to the war, as the only means of saving it from the execrations of its own party, concluded a peace-bargain with Mexico, in which it was stipulated that, for the sum of fifteen millions, Mexico should give up her right of ownership and sovereignty over certain territories then held to be of very little value; and many persons, after gathering what information they could from their geographies, thought that the territories were bought at too high a price. Instead, therefore, of exacting costs of war, our government *paid* for the war, *bought* supplies from the Mexican people, and finally *paid* for the territory itself, at a dear bargain;—for such it undoubtedly will prove, and has begun to prove, to this nation. Has any man the face to call this a conquest?

Let us look for a moment at the circumstances. First. Would the administration have offered to *buy* the territory if the war had been at an end, and Mexico ready to lay down her arms? On the contrary, Mexico was ready to continue the war indefinitely, and not only insisted upon remuneration for the territory, but upon a certain *protocol*, making conditions for her own citizens in the territories. Mexico did not regard herself, and did not treat, as a conquered nation. She considered that it was better to sell the territory with the reservation of the rights of the citizens inhabiting it, than to continue the war. And our government considered that it was better to buy the territory, and give up all the claims for which the war was ostensibly begun, and to bear all losses, although the war had inflicted comparatively little injury upon Mexico, nay, had perhaps brought as much into her country as it had cost her in actual value; that it was better to do this, and suspend all designs of conquest, than to continue the war another month. In our view, therefore, Mexico had much the advantage of us in this affair; which, as we were the aggressors, seems to be proper enough; for we are not of those who cry, "*our country; right or wrong*;" to aid one's country to do wrong, being only to aid its ruin; and what good patriot would assist in ruining his country?

To repeat the argument in brief, had not Mexico been in a condition to continue the war, *either* our government would not have re-



nounced the claims for which it was begun, much less have paid for the territory, and endeavored to secure the rights of their inhabitants by the protocol. Or—Mexico being quite broken—it renounced the idea of conquest, and made a voluntary purchase in the usual manner between equals. The treaty, with its protocol, was a compromise. Mexico wanted money, and we wanted land. Public opinion would not suffer our government to wrest the land; and Mexico, knowing this, and being willing to continue the war in her desultory manner, made a tolerable bargain. This was the victory of the peace party over the war party. If other persons, wiser and better informed, think differently, they have their opinion. That the bargain was a *fair* one, in *every* sense, we will not urge, but that we paid far more than the territory is worth to us, nay, that the advantages that we *then* saw in it were equal to the money expended in and guaranteed to Mexico, we insist we have a right to think. The recent discovery of the gold mines only makes the bargain a worse one for ourselves; for, to support the army of emigrants in California, an annual outlay will be needed of at least fifty millions of the floating property of the nation, while the total annual yield of the mines, at the best esti-

mate that we have seen, will not exceed twenty-five millions of dollars, or half the amount; our new acquisitions will therefore cost us annually a sum nearly equal to the revenue of the United States. Mexico certainly lost nothing by the exchange.

#### *To our occasional Contributors.*

Our correspondents will confer a real favor by sending us fair *copies*, and not the original and sole MS. of their works. If an article is worth anything, it is worth the trouble of a fair copy. Not intending the least discourtesy to our occasional contributors, we yet find it necessary to say, in general, that *time* is not so cheap a commodity that we can conscientiously employ it in doing up and directing rejected copies of verses and short essays, to save authors the trouble of making fair transcripts of their own works. We hope, therefore, that no offense will be taken, if, in future, we fail to comply with the usual injunction, "to return the MS. if it be not used," unless it is too long to have been copied without considerable labor. A fair copy is also a favor to the printer and proof-reader, for which they are always grateful.

## CRITICAL NOTICES.

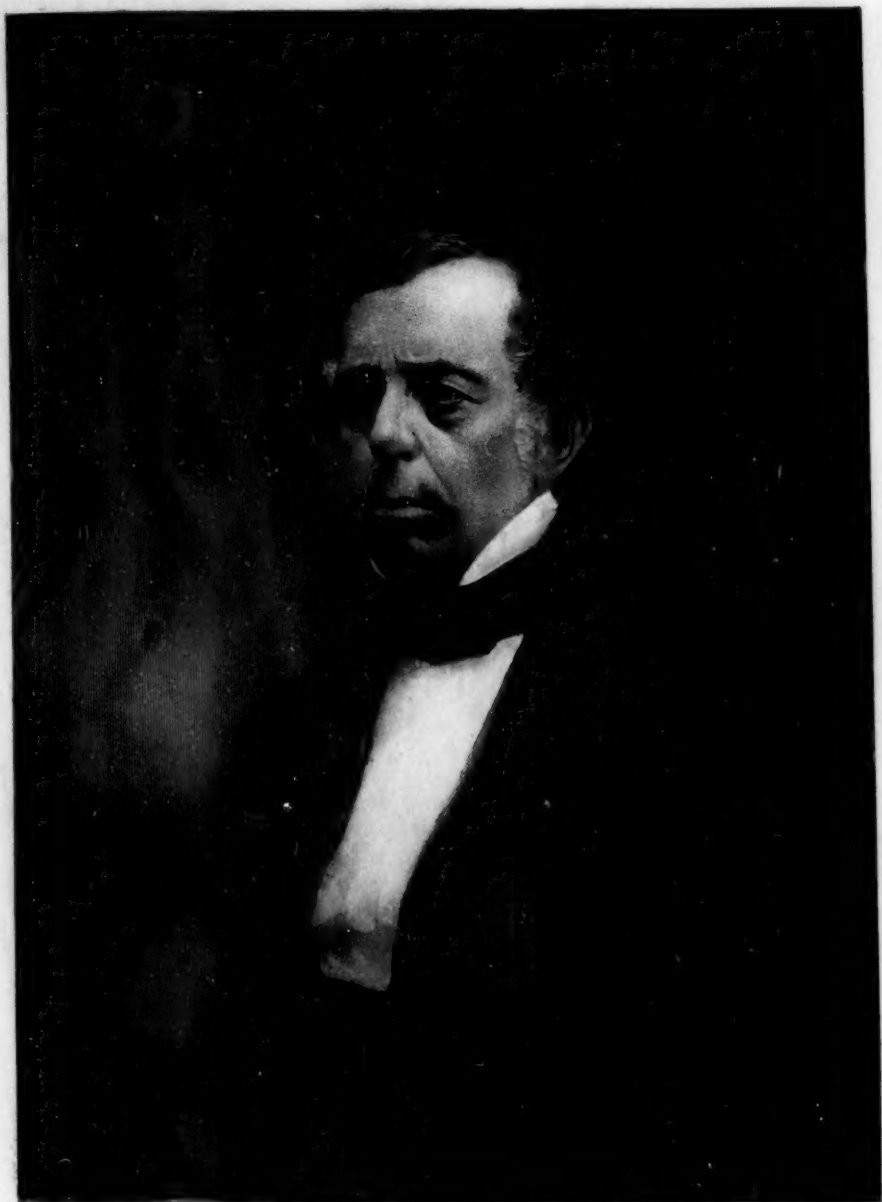
*Nineveh and its Remains, with an Account of a Visit to the Chaldean Christians of Kurdistan, and the Yezidis, or Devil Worshippers, and an Inquiry into the Manners and Arts of the Ancient Assyrians.* By AUSTEN HENRY LAYARD, Esq., D. C. L. 2 vols. 8vo. New York. G. P. Putnam.

The publication of this work in England has attracted the attention so largely of the public and the press, that it is only necessary for us to announce the issue of this American edition in a style every way creditable, not only to the enterprise of the publisher, but to the press of the country.

Of the merits of the work itself it is impossible for us to speak worthily in a brief notice. The wonderful discovery of Dr. Layard is one of the remarkable circumstances of the age, and must intensely interest every intelligent mind. Whilst with the minute detail of his persevering exhumation of those palaces and

temples of a forgotten race, with their curious sculptures, he has given us such graphic pictures of Arab life, and such an interesting account of that most interesting remnant of a race, the Chaldean Christians, as would of themselves have made one of the most remarkable books of the day. Indeed, we think some of his descriptions in this way are unequalled by anything we have read. We would particularly instance his visit to the great Shammar tribe. Several descriptions in this chapter convey such vivid pictures to the mind's eye of that probably most picturesque of all scenes, a large Arab encampment, or migration with its flocks, herds, and camels, that they seem more like the colorings of canvass. We need say no more, for no reader of books can voluntarily omit this one.

The second volume having just been issued, we have not had time to examine it as yet, but are extremely eager to see what Mr. Layard makes of the various inscriptions he has found.



Eng<sup>d</sup> by Alfred Jones from a Daguerotype

*Hon. Reverdy Johnson*

ATTORNEY GENERAL OF THE UNITED STATES.

Eng<sup>d</sup> for the American Editor.